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ABSTRACT

This manual is especially designed to inform and aid community organizations in understanding cable television and planning for the future. With the exception of the chapter on Massachusetts cable legislation, most of the book should be useful to community organizations anywhere. At the beginning, the history and experience of cable television in Massachusetts (Somerville and Boston) is reviewed, and then the questions of public access/ people's television, privacy and human rights, and ownership are discussed. The federal and Massachusetts regulations affecting cable television are presented. Finally, the local cable franchise is carefully analyzed with respect to the franchising process and the problems after the franchise is granted. Appendixes provided general reference information on cable television; also, a glossary is included. The book is illustrated with many cartoons. (WH)

THE CABLE BOOK

A Handbook for Community Organizations: Cable Television is coming to Massachusetts. This handbook is for groups who are trying to figure out what it's all about and what it's going to mean to them and their communities. The information is based primarily on experiences in this state. With the exception of the chapter on Massachusetts cable legislation, however, most of the book should be useful to community organizations anywhere.

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THE CABLE BOOK

Community Television for Massachusetts?

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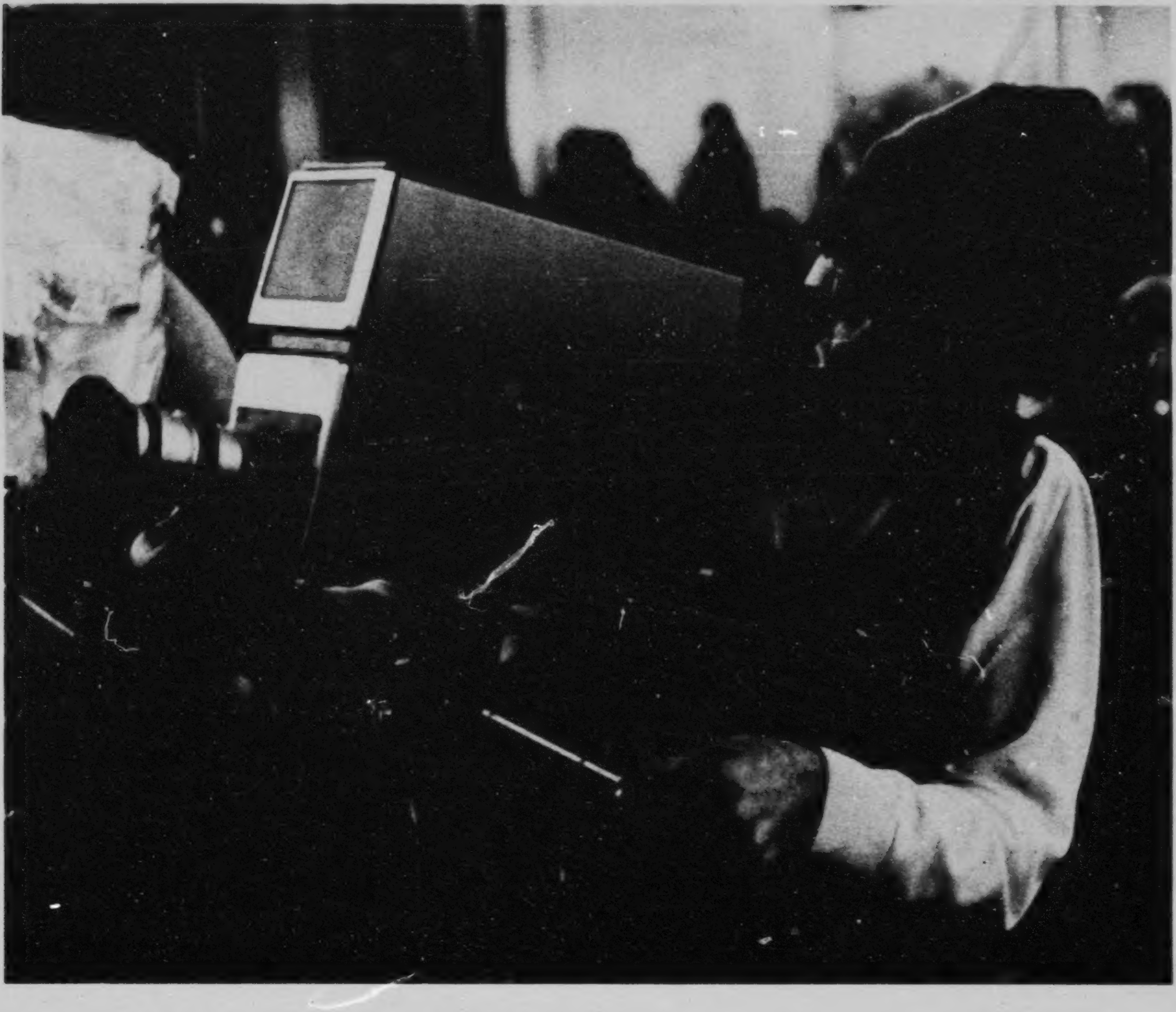

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INTRODUCTION

Maybe the best way to introduce a book like this would be to explain who we are, and how and why we came to write it.

THE MEDIA PROJECT — CABLE TV AND COMMUNITY ORGANIZING

Urban Planning Aid (UPA) has been working with community organizations in Massachusetts for more than five years, providing research and organizing assistance to groups fighting for better mass transit, adequate housing, recognition of the legal rights of tenants, improved industrial health and safety conditions, and other social changes. One problem all of these groups have had in common has been finding effective ways of communicating—with their members, with other people in the community, with organizations in other communities, and with government agencies.

UPA formed the Media Project about four years ago to help these groups find better ways to get their messages across. We helped people design and produce mimeographed leaflets, ran workshops on how to silk-screen posters, and tried to help out in contacting reporters and writing press releases. When the groups we worked with became interested in presenting particular issues in a more dramatic way, we helped them produce color slide shows, sometimes with taped sound tracks.

One of the most exciting things we saw happening in the community movement at that time was the appearance of a lot of small scale, low budget, independent community newspapers. About three years ago we started the *Community Press Service* to distribute articles, photos and graphics to community newspapers locally and throughout the country.

Our interest in cable television was a logical outgrowth of these experiences. We were looking for a way that groups could reach a wider audience with more dramatically and effectively presented information. Low-cost portable videotaping equipment looked like an ideal way of producing the information; and cable TV looked like it might provide a means of reaching the audience.

We and the groups we worked with had also become increasingly angry at the lack of responsiveness we found in the existing mass media, particularly television. Despite official rhetoric about public service and responsibility, crucial local issues and concerns were not getting the kind of coverage needed. We hoped that cable might help to change this situation.

When we started learning about cable, however, we realized that there were a lot of problems. There were only a couple of systems operating in the Boston area, though a number of cities and towns had granted franchises. But when we looked at some of the franchises, and saw how badly existing systems were being run, we realized that the undeveloped state of cable was more an advantage than a problem. It might give community groups a chance to be in on the development and planning of this new and important communications medium.

This possibility made it important for all of us to be aware of what was going on and to try to get some degree of control over it. From looking at cable simply as a tool, we had come around to seeing it as a central social and political issue, as part of our present and future lives that we must try to control. We decided that the local franchising process was the key to community involvement.

We concentrated our early efforts in the city of Boston. We put out a comic-book introduction to cable television called "Community TV for Boston?" and later a series of fact sheets and leaflets. We gave presentations to as many community groups as would listen, trying to make people aware of what cable was all about and start them thinking about what it might mean to them. The main point we stressed at that time was the possibility of community programming and services. We encouraged groups to write the mayor, demanding community involvement in any decisions on cable.

At the same time we began to encounter a lot of interest in community groups actually owning and operating cable systems. "Minority capitalism" programs were being pushed by the federal government and "community development corporations" were being widely discussed as the key to community control and economic development. We had, and still have, a lot of reservations about this approach, stemming from our experiences with community *housing* development corporations. Such ventures seemed to lead more often to a drain on community resources and to conflict within the community than to improved housing conditions.

We argued that community groups should fight for maximum control over the planning and operation of cable systems, and demand that franchises protect community interests, whether the system is to be run by a commercial operator, a municipal agency, or a community corporation. If community ownership is decided upon, it should be as a means to achieve the community's goals, rather than as a goal in itself.

Our work in Boston also led us to some conclusions about organizing strategy. Most people we were talking to simply did not see cable as a pressing issue. Although they understood the implications of the new medium, they were also facing serious day to day problems of inadequate housing, unsafe factory conditions, advancing bulldozers, and the generally deteriorating local economy. Cable—its potential benefits and its possible dangers—seemed a long way off.

The approach that seemed to work best was to get each group to look at the ways cable could help in their efforts to change conditions in their neighborhoods.

But cable, with its two-way capacity, may also be used in ways that endanger our privacy and civil rights. This is an issue of great concern to community groups and labor unions, many of whom know from experience the threat of official spying and harassment. Some argue that cable systems should be blocked entirely for this reason. We are sympathetic to this point of view, but doubt that cable *can* be stopped, at least in most communities. We feel we must prepare to deal with it as best we can when it comes. In any case, groups who want to block cable will need to know as much about it as those interested in its development, and will have to organize even more strongly.

THE CURRENT "CRISIS" IN THE CABLE INDUSTRY

In the last few months, people in the cable industry have been talking "crisis." They're saying that they just can't operate if communities keep making such heavy demands on them. They complain that federal and state regulations are also putting an "unacceptable" crimp in their profits. A good example of the industry line is this speech by Al Stern, Chairman of the Board of Warner Cable Corporation, to the National League of Cities:

> We're now taking a long, hard look at the way in which we've been dealing with the franchising bodies, the concessions we've been making in terms of construction specifications, the sometimes unrealistic blue-sky demands we've allowed ourselves to agree with. . .
>
> Communities throughout the country have, with increasing frequency, been making unrealistic programming demands, calling for such things as multiple studios for local origination and fully equipped, studio quality mobile units for remote coverage. There's hardly an operator in this business who wouldn't agree with the importance of such community programming services somewhere down the line; but to ask us to make such large equipment investments and take such expensive risks at the start of a system, before a reasonable subscriber penetration has been reached, is unrealistic. . .
>
> A far more realistic approach would be to acknowledge the existing state of the industry and let us build systems that can adequately provide the public today with whatever services we are capable of delivering at this stage of development. As further advances are made. . .we will build more capabilities into those systems and will increase the number and variety of services offered.

In short, Stern is saying "let us do whatever we can make a buck on, and sooner or later we may get around to giving you what you need."

It seems to be true that the industry is having financial troubles. To get franchises, many companies made promises that they never intended to keep, and now a lot of the communities are insisting on getting what they were promised. Most of the big operators are overextended in this way. The banks which finance the industry are also putting pressure on the companies to cut back their public service expenditures. But the problem is basically the result of corporate dishonesty and mismanagement. Why should the communities be the ones to suffer?

As a matter of fact, the industry seems to be in good shape. Most of the MSO's (Multiple System Operators) are showing pretty fair profits on their recent reports. Companies aren't dropping out of the industry. *Cable Information* reports that a non-operating Connecticut franchise was recently sold to Cox Cable for $300,000 after less than $25,000 had been invested in the system. More franchises were granted in 1973 than in 1972.

The *reality* seems to be that cable operators are yelling "crisis" in order to pressure local communities into giving up some of their demands and regulatory agencies into dropping some of their restrictions.

The problems of the industry are problems of its own making. If it cannot supply the services that communities need there is no reason for the communities to be giving out franchises. People should not be distracted from their goals by the cries of "crisis."

WHAT THIS BOOK IS ABOUT

In this book we have tried to consolidate much of what we've learned and experienced in the past few years in a way that community groups around the state will, we hope, find useful. The first chapter is based on our original comic-book introduction to cable, and chapters 2 and 3 describe what's been happening in two Massachusetts communities, Somerville and Boston.

In the rest of the book we've tried to cover the major franchising issues that affect community groups, as well as the state and federal regulatory framework within which local cable franchising takes place.

This book is intended for groups who want to *do* something about cable television in their community—whether they decide to oppose it entirely, to form a community corporation and get a franchise, to participate in writing the local franchise, to use the system's public access facilities in their work. . .

The terms "franchise" and "license" are used more or less interchangeably throughout this book. "Franchise" is the term most often used in talking about cable. However, the Massachusetts legislation uses "license".

We also ran into trouble over what to call the person or thing that runs a local cable system. We're used to talking about the cable "company," since most systems *are* run by commercial cable companies. Remember, though, that systems may also be owned and/or operated by community corporations, by institutions, or by municipalities themselves.

GROWTH OF THE CABLE TELEVISION INDUSTRY

(as of January 1 of each year)

Year	Systems Operating	Total SUBSCRIBERS
1952	70	14,000
1953	150	30,000
1954	300	65,000
1955	400	150,000
1956	450	300,000
1957	500	350,000
1958	525	450,000
1959	560	550,000
1960	640	650,000
1961	700	725,000
1962	800	850,000
1963	1,000	950,000
1964	1,200	1,085,000
1965	1,325	1,275,000
1966	1,570	1,575,000
1967	1,770	2,100,000
1968	2,000	2,800,000
1969	2,260	3,600,000
1970	2,490	4,500,000
1971	2,639	5,300,000
1972	2,841	6,000,000
1973	2,991	7,300,000

(Source: *Television Factbook*, 1973-4)

1

COMMUNITY TELEVISION FOR MASSACHUSETTS?

CABLE TELEVISION IS COMING!

SO WHAT?

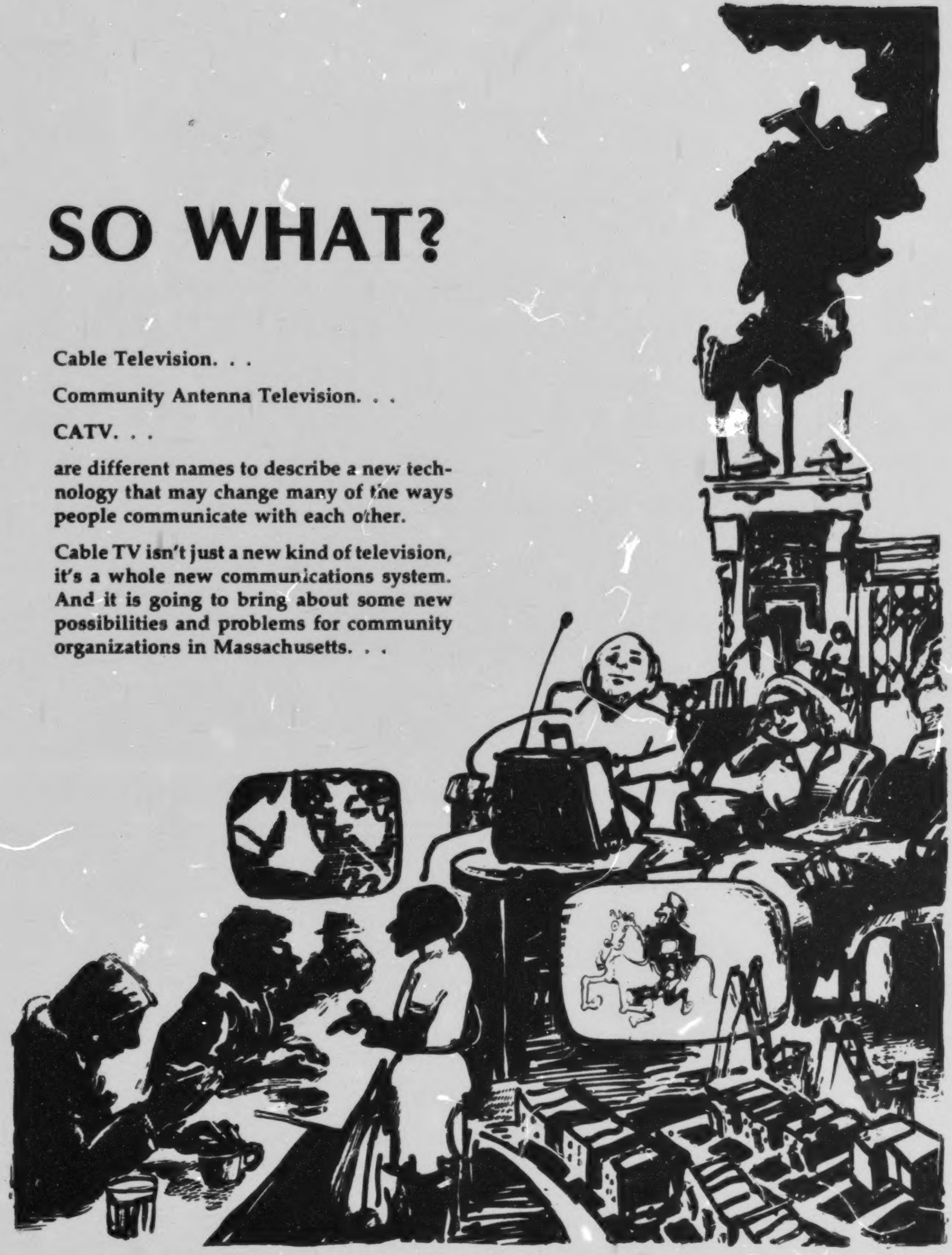
Cable Television. . .

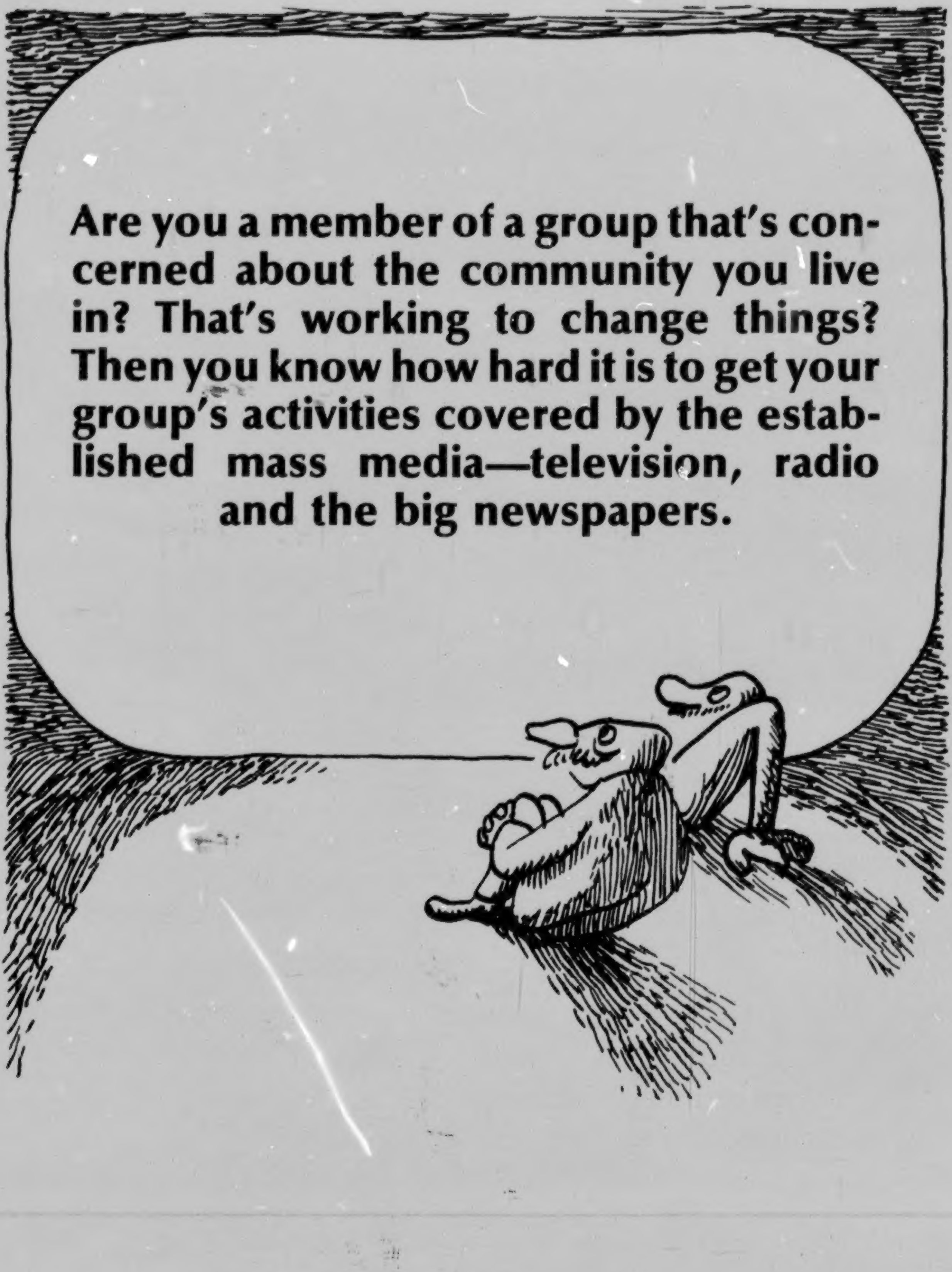
Community Antenna Television. . .

CATV. . .

are different names to describe a new technology that may change many of the ways people communicate with each other.

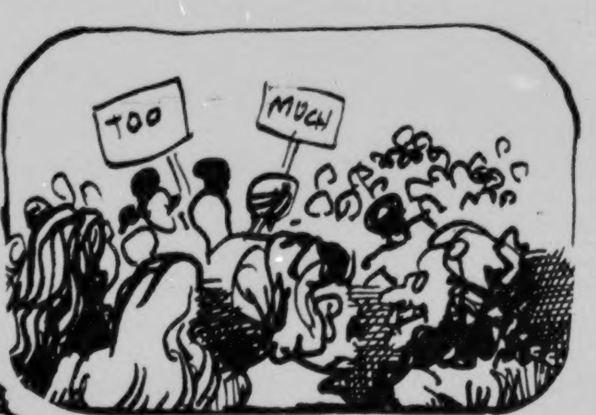
Cable TV isn't just a new kind of television, it's a whole new communications system. And it is going to bring about some new possibilities and problems for community organizations in Massachusetts. . .



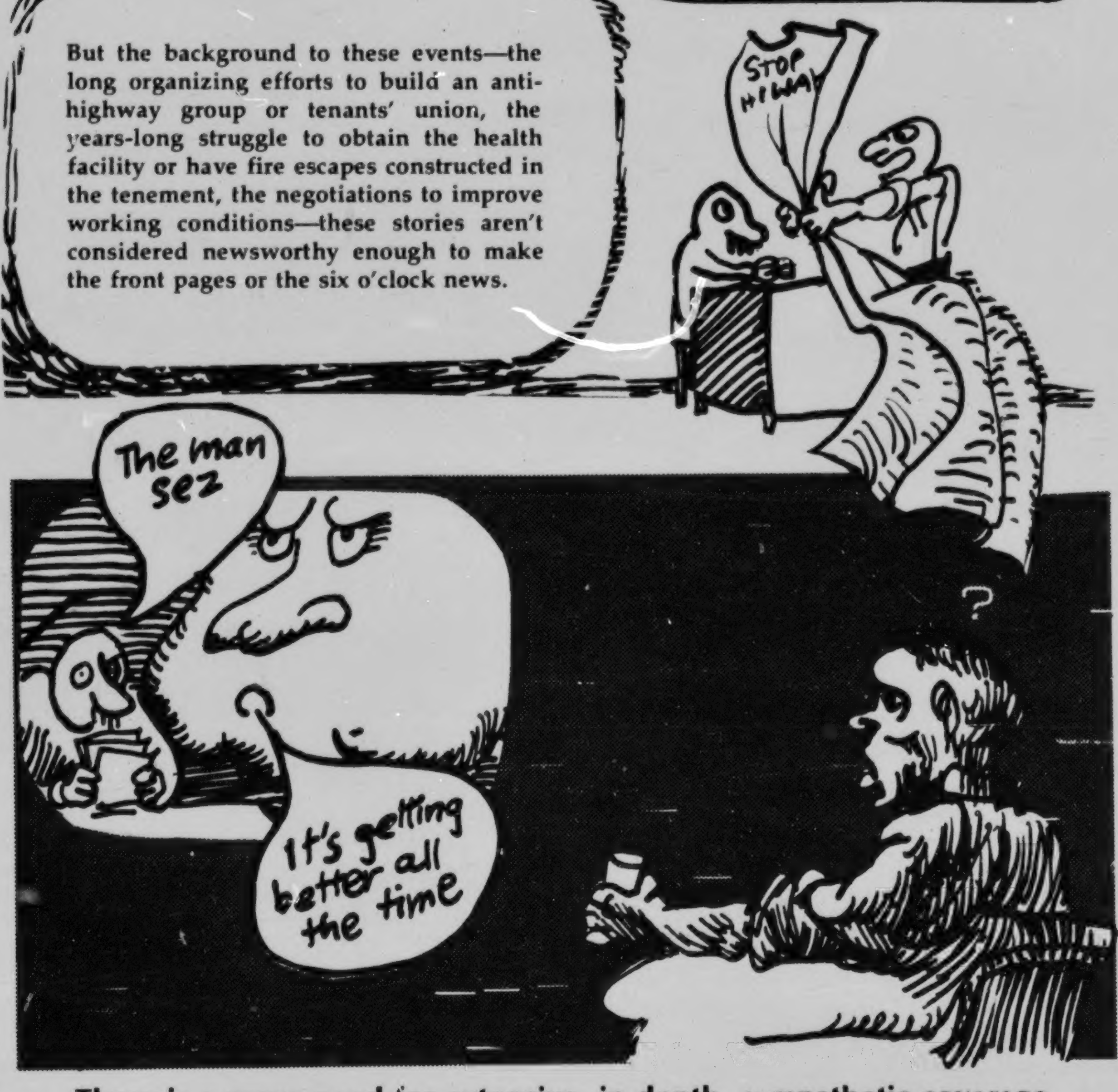


Are you a member of a group that's concerned about the community you live in? That's working to change things? Then you know how hard it is to get your group's activities covered by the established mass media—television, radio and the big newspapers.

Reporters and TV cameras flock to the scene of a "news" event, like a rally, a demonstration, or a big labor strike. They may also cover special occasions like the opening of a new community health center, or tragedies such as a tenement fire or an industrial accident. . . .

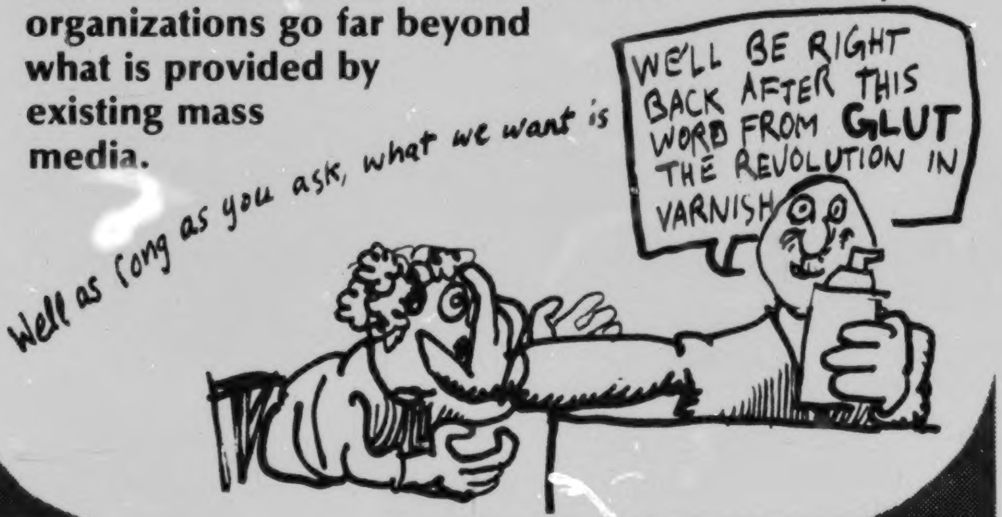


But the background to these events—the long organizing efforts to build an anti-highway group or tenants' union, the years-long struggle to obtain the health facility or have fire escapes constructed in the tenement, the negotiations to improve working conditions—these stories aren't considered newsworthy enough to make the front pages or the six o'clock news.


STOP HIGWA
The man sez
It's getting better all the time
?

There is a grave need for extensive, in-depth, sympathetic coverage of community affairs and local issues.

Does your group have a message or position it wants to communicate to others? Have you tried to get local papers and TV stations to give you adequate time to explain your ideas and plans? The communications needs of most community organizations go far beyond what is provided by existing mass media.


Well as long as you ask, what we want is
WE'LL BE RIGHT BACK AFTER THIS WORD FROM GLUT THE REVOLUTION IN VARNISH

A GROUP NEEDS. . . to communicate with friends and neighbors, getting them interested in its work, attracting new members, building community support. . .

to talk with outside authorities, such as state and local agencies, to tell them about problems that need to be corrected. . .

to inform its own community, as well as the people in power, about what needs to be done.

Many groups also carry on public information and educational programs that they would like to make available to a wider audience.

Organizing, door-knocking and holding meetings are all necessary to build a strong community organization; but effective use of the media can also help.

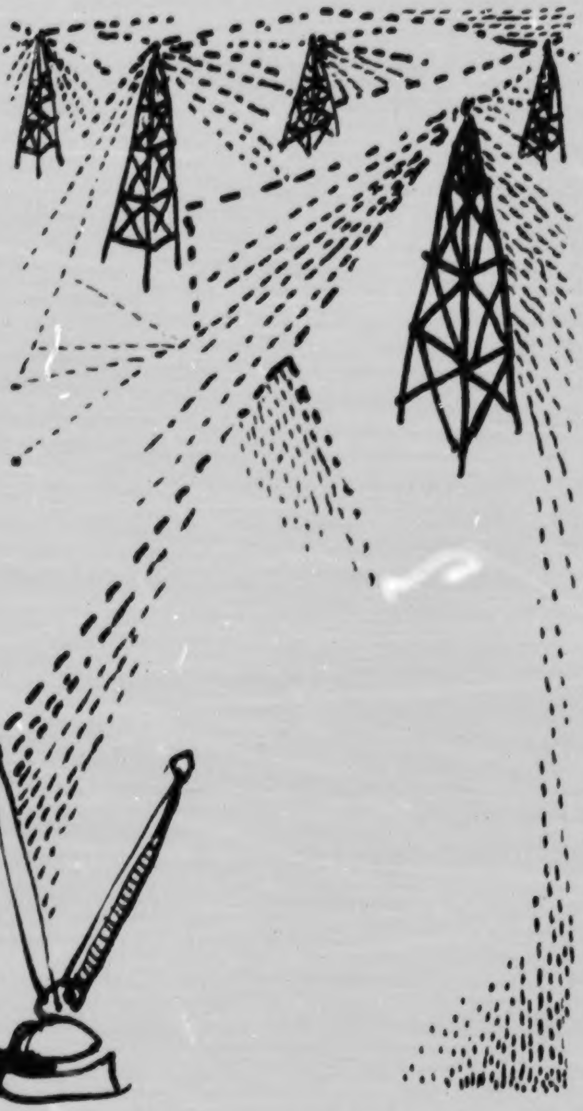
COMMUNITY NEWSPAPERS

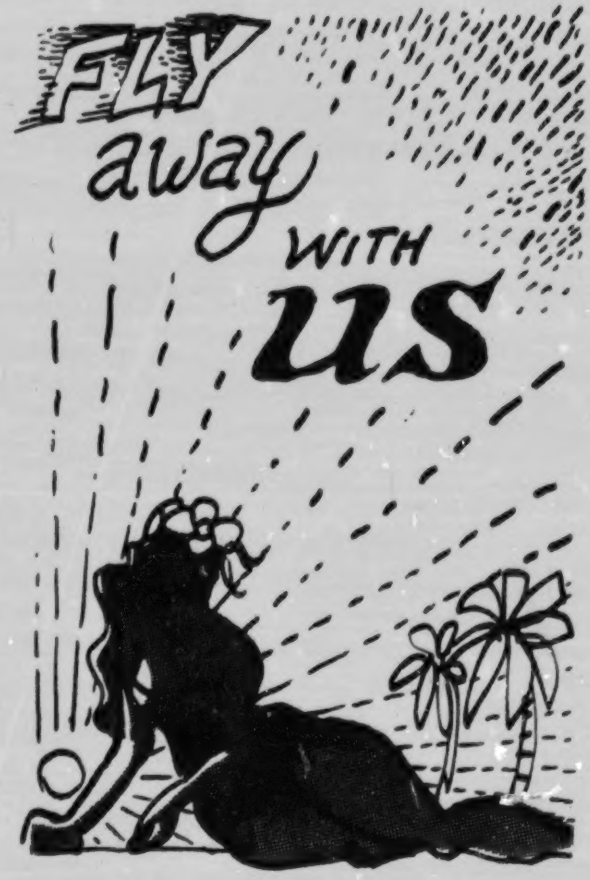
have been started to meet our need for publications that are responsive to the community, rather than to advertisers.

Now a similar development is possible with the coming of

CABLE TV

Ordinarily, TV airtime is a scarce resource. Only a few television stations can be received in any one area because TV signals, travelling through the air, interfere with one another.

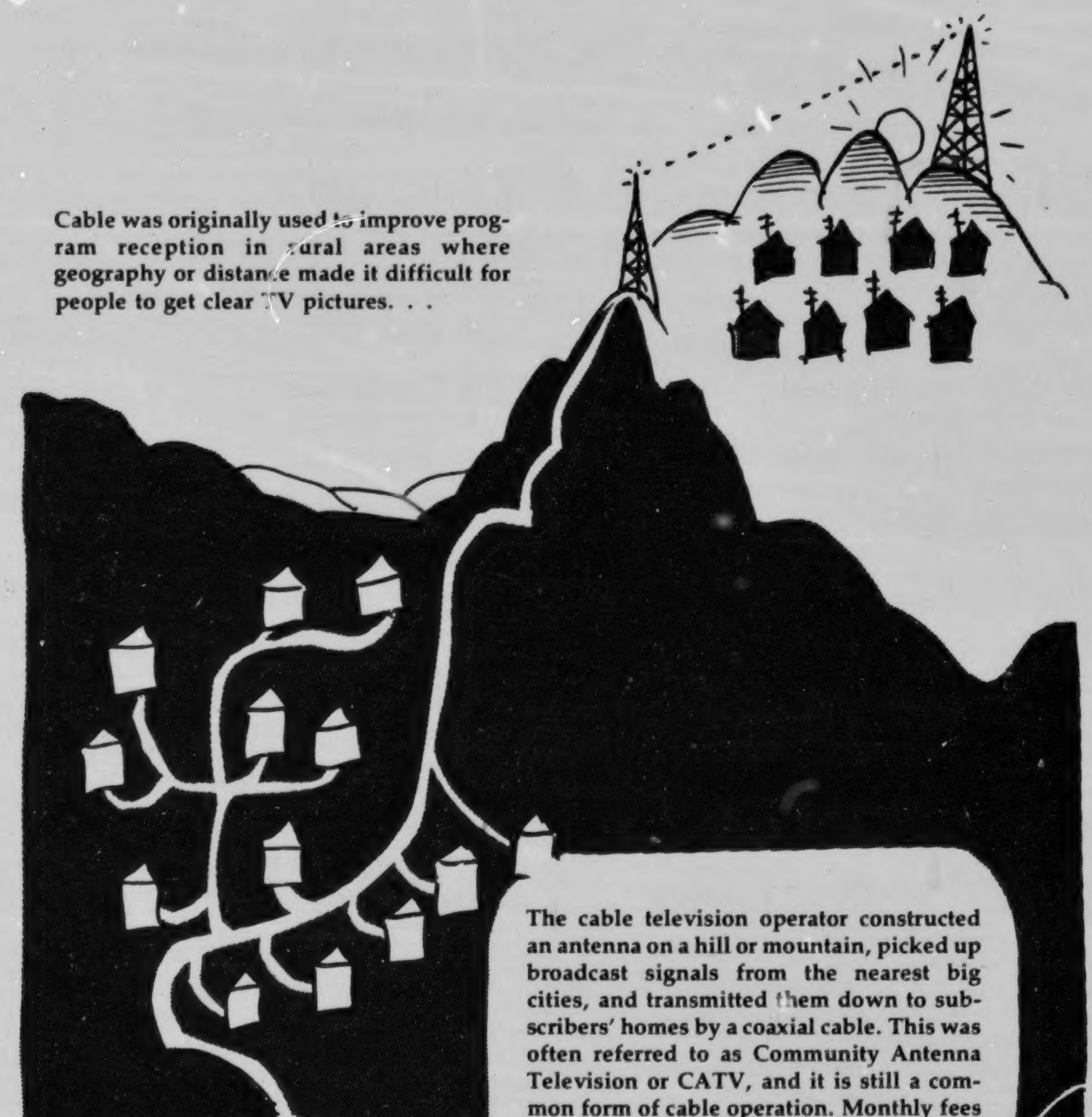




Air time is sold to the highest bidders—advertisers. As a result, commercial interests generally control TV broadcasting, and they try to appeal to the widest possible audience, with the most money to buy their products. Obviously, local news and community affairs do not receive very high priority. Just as obviously, local views and opinions—especially if they are minority views or unpopular opinions, or opposed to the interests of the broadcasters and advertisers—have a hard time getting heard.

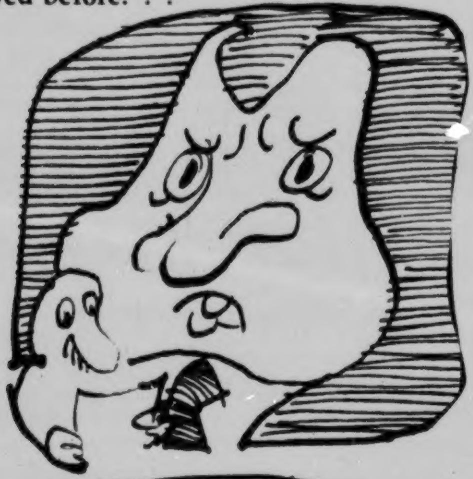
Cable TV could help correct this situation.

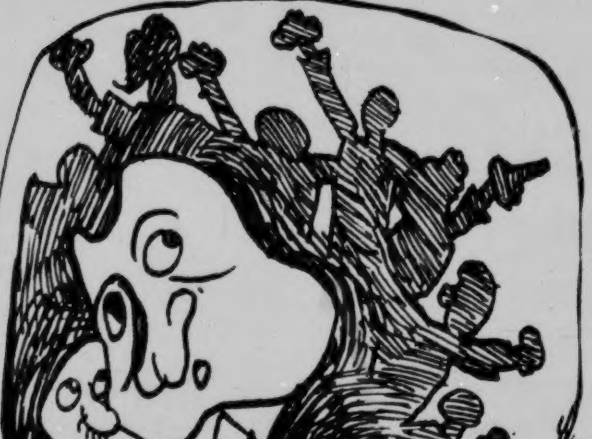
Cable was originally used to improve program reception in rural areas where geography or distance made it difficult for people to get clear TV pictures. . .



The cable television operator constructed an antenna on a hill or mountain, picked up broadcast signals from the nearest big cities, and transmitted them down to subscribers' homes by a coaxial cable. This was often referred to as Community Antenna Television or CATV, and it is still a common form of cable operation. Monthly fees paid by subscribers form the main financial support of the cable television industry.

But the potential for this new communications system goes far beyond eliminating "ghosts" from your picture or bringing in "distant signals" that you could not have received before. . .

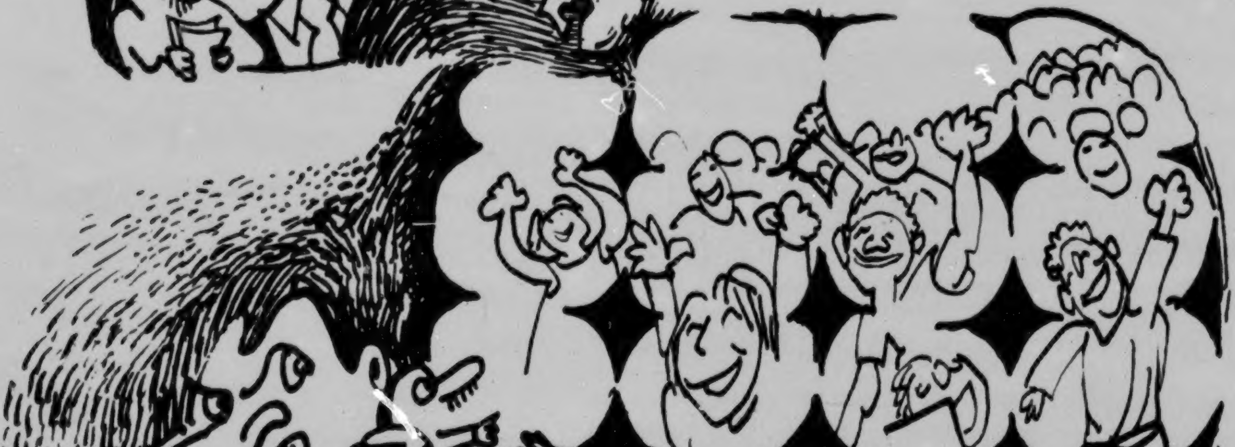


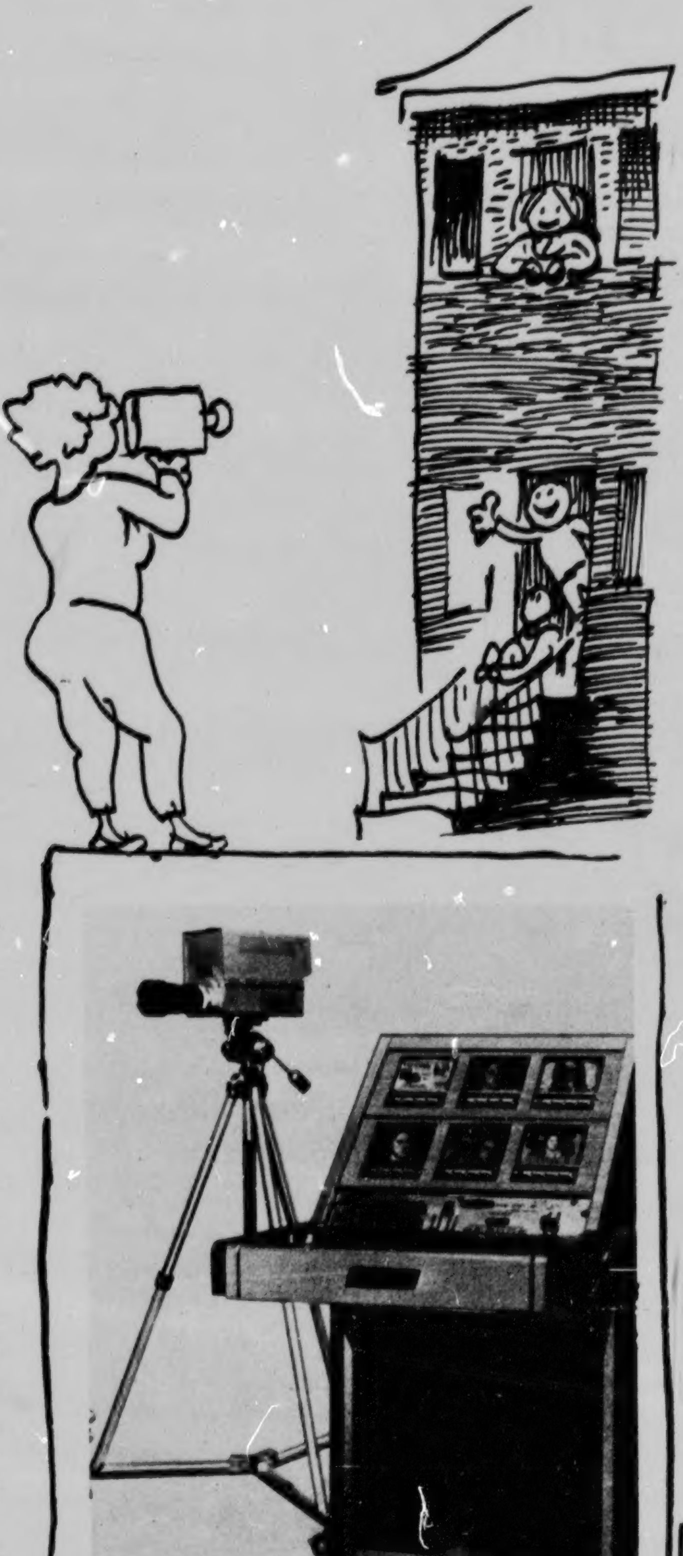


The coaxial cable can carry an almost unlimited number of TV and other channels of communication into your home—systems now being built must have at least 20 channels. Some systems offer as many as 60 or more. . .

With so many channels available on the cable, TV time NO LONGER needs to be a scarce resource. . .

There can be channels for use by local government and educational agencies, as well as "public access" channels which can be used by community groups and others. Local community studios can produce programs by and for the community in which they are located.

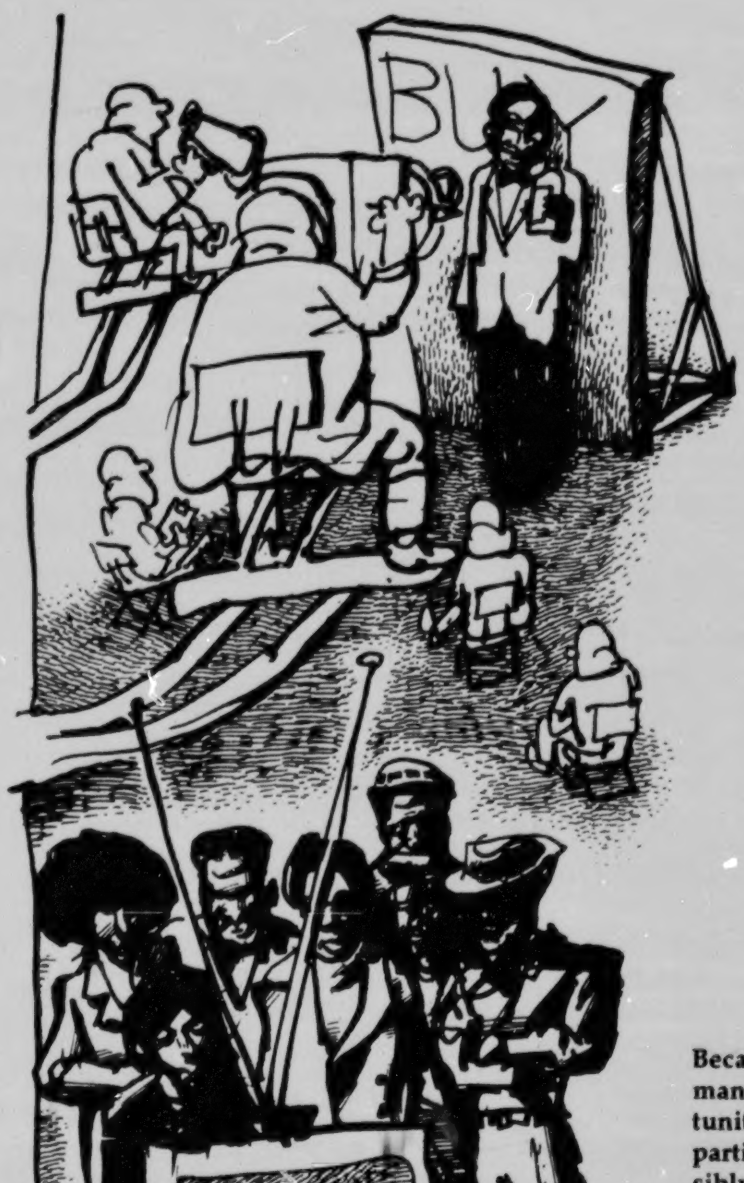




"Cablecasting" is much less expensive than broadcasting. . .

Broadcast television signals travel through the air. The signal has to be very strong to get through the interference it encounters. This requires expensive equipment.

The cable, on the other hand, protects the signal from interference; and a cable signal can be produced with much less costly equipment. A fully equipped local studio could cost as little as $15-20,000. Programs for cable TV can be produced with portable videotape equipment costing about $1500. Many schools, churches, labor unions and community groups already have such equipment.

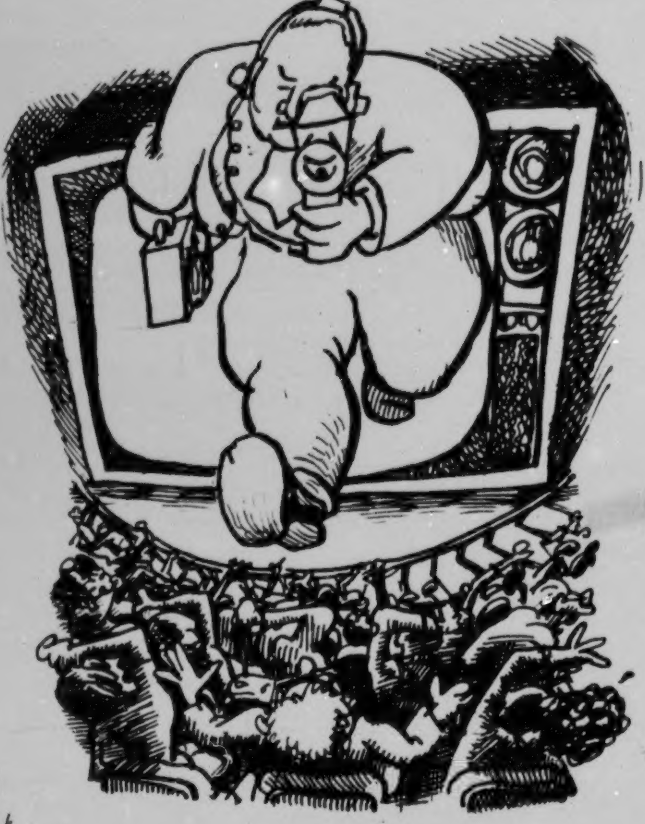


Because cable is basically a local medium, many people hope it may create opportunities for minority groups and the poor to participate in ownership and control, possibly by means of local non-profit community corporations.

Others hope that cable will open up new employment opportunities for poor and minority people—unlike broadcast television, which exploits its audience as consumers but offers them little in return.

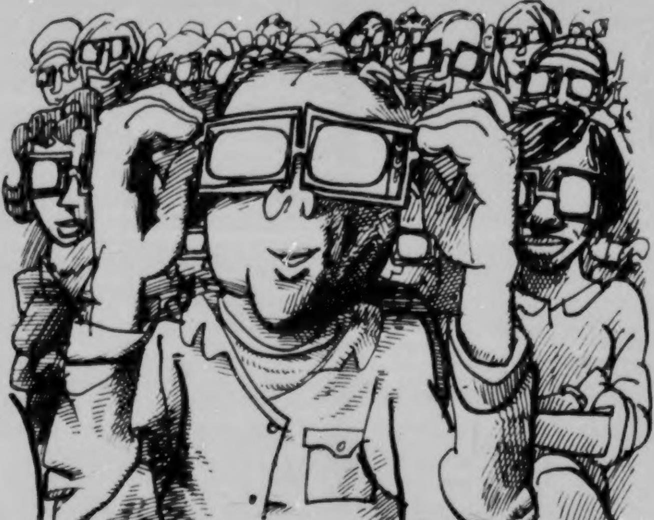
Some towns and cities may want to consider owning and operating a cable system themselves, to make it responsible to local citizens. In any case, there will need to be strong local regulations to protect the community's interest.

But none of these things can happen unless community groups mobilize to MAKE them happen.



Communications on the cable can go in both directions. . This two-way capacity of cable TV may someday make possible a wide range of special communications services:

- banking and shopping by cable,
- burglar and fire alarms connected to the cable,
- cable referendums on important issues,
- instant access to libraries and other public service agencies,
- employment information, consumer advice, and other kinds of information that people need. . .



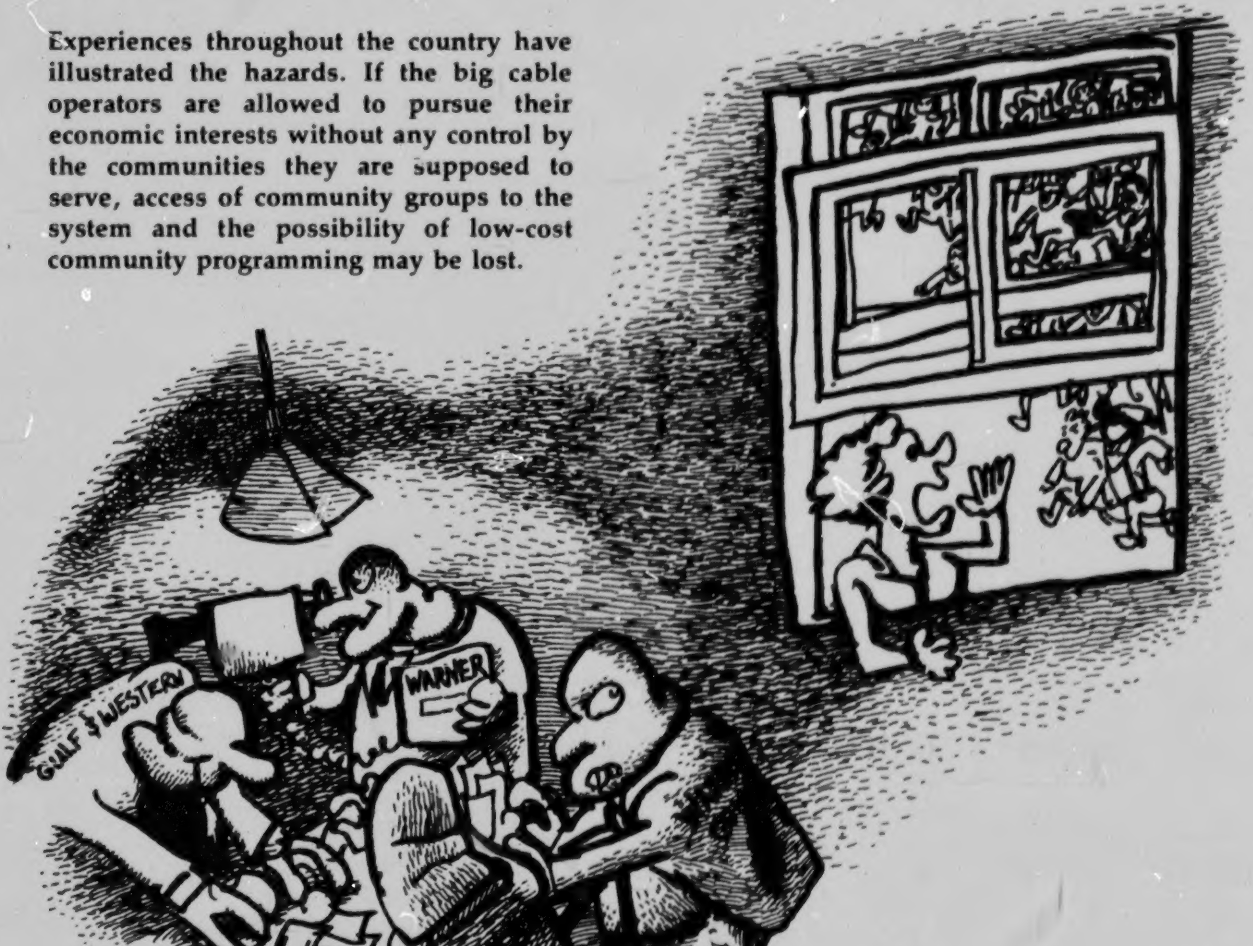
But many people fear that cable television could also be used to collect information about subscribers, or even to watch them in their own homes. . .

There is a real danger that some two-way communications might be "tapped."

Cable television could turn into a "Big Brother" system if we are not careful.

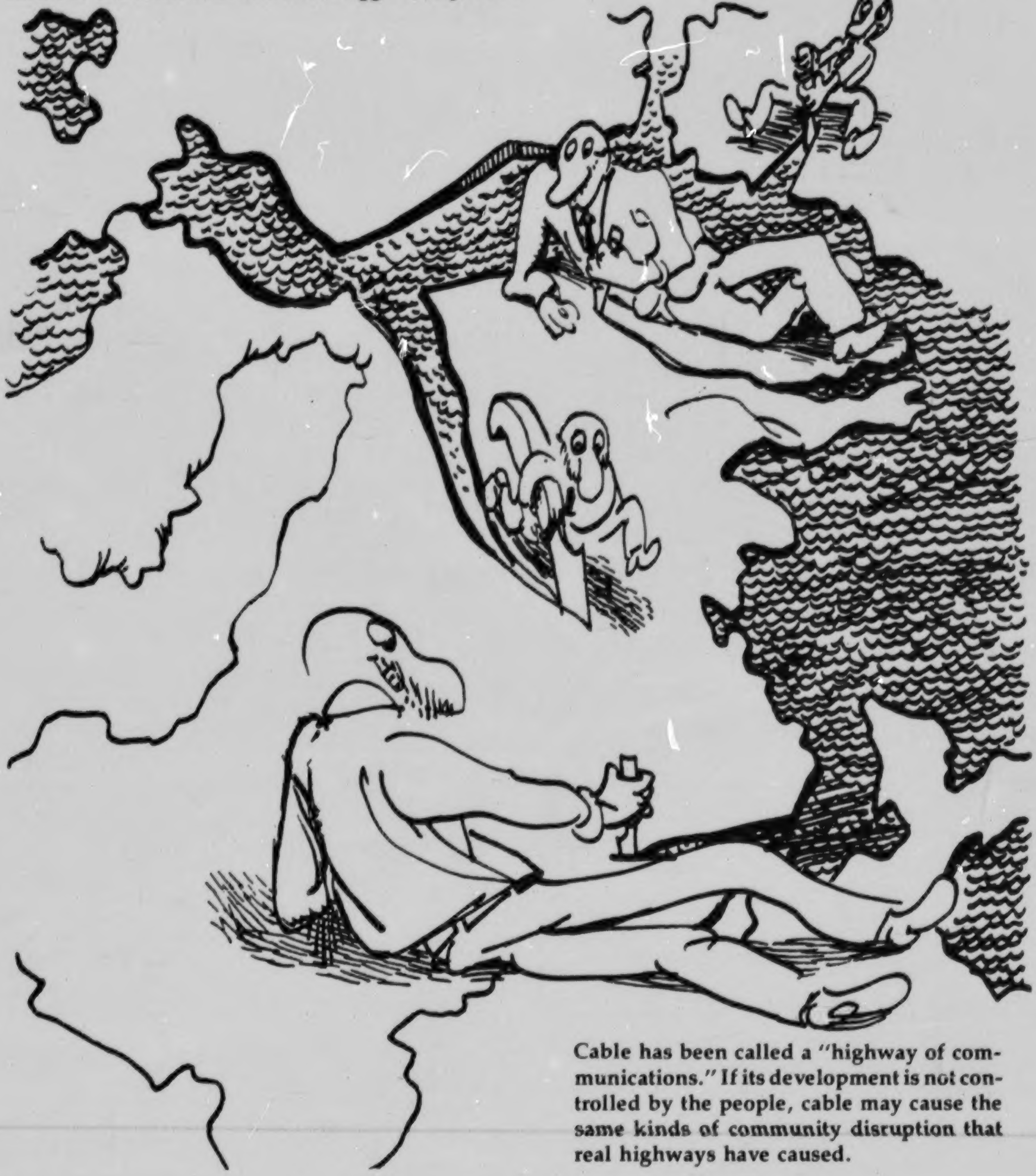
Cable TV could make "Community Television" possible for the first time. But it can also create serious dangers. . .

Experiences throughout the country have illustrated the hazards. If the big cable operators are allowed to pursue their economic interests without any control by the communities they are supposed to serve, access of community groups to the system and the possibility of low-cost community programming may be lost.

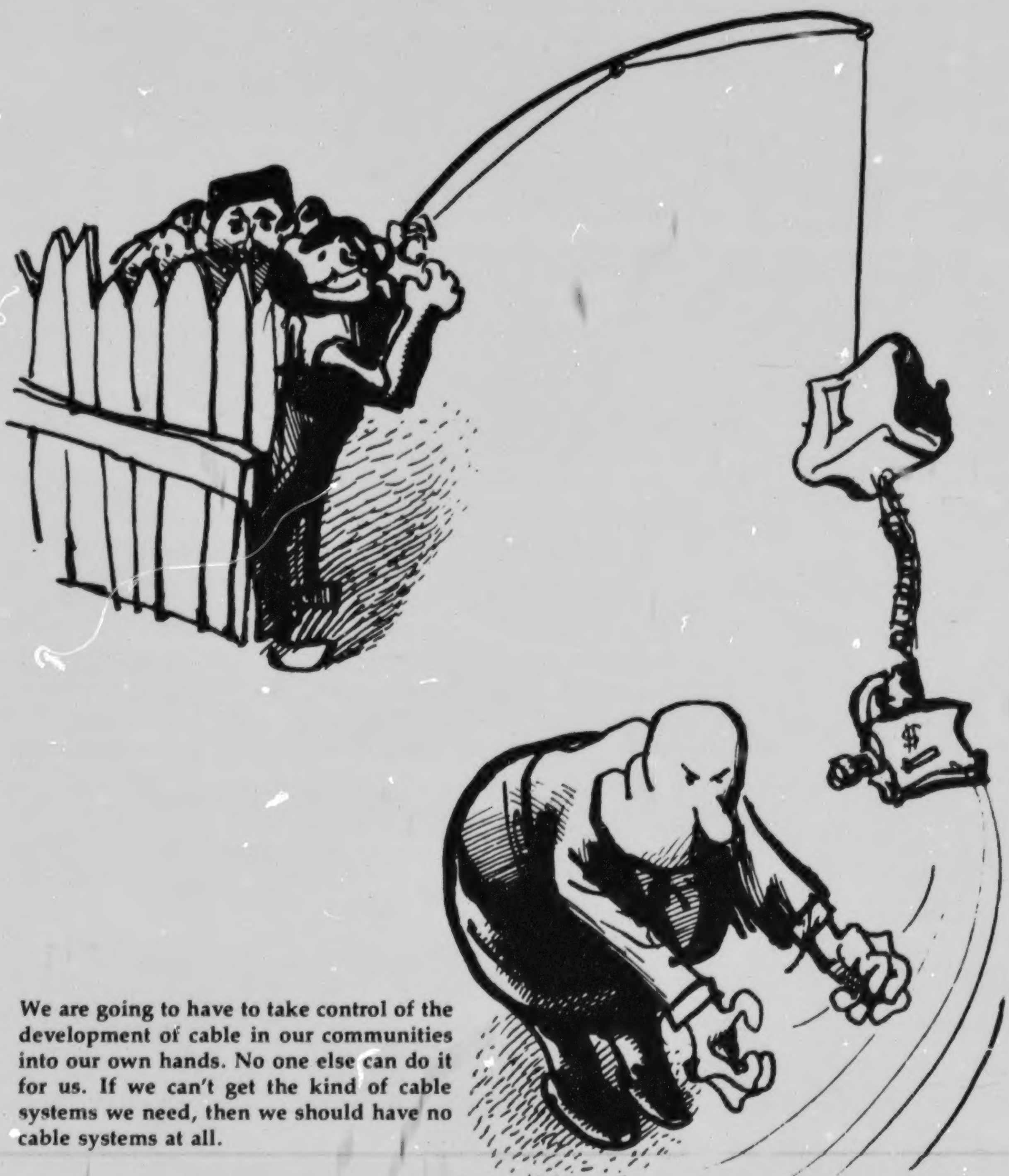


Commercial cable companies are interested in making the biggest profits they can, not serving their subscribers. They may not want to build the kind of system a community really needs—one with plenty of channels for present and future needs, and with studio and production facilities that people in the community can use to produce their own programs.

Giant national cable corporations are already carving up the Commonwealth, getting franchises in as many cities and towns as they can. In the past, city governments have not been very careful about protecting their communities' interests. Many companies failed to live up to their promises—they didn't meet construction schedules, or didn't deliver all the services they promised. Others began raising the rates they charged subscribers. Some companies didn't build cable systems at all, but just sold out the franchises to other, bigger companies.



Cable has been called a "highway of communications." If its development is not controlled by the people, cable may cause the same kinds of community disruption that real highways have caused.



We are going to have to take control of the development of cable in our communities into our own hands. No one else can do it for us. If we can't get the kind of cable systems we need, then we should have no cable systems at all.

Some community groups may want to organize non-profit corporations to apply for a franchise themselves—using the revenues from the system to provide programming and services for the community. . .

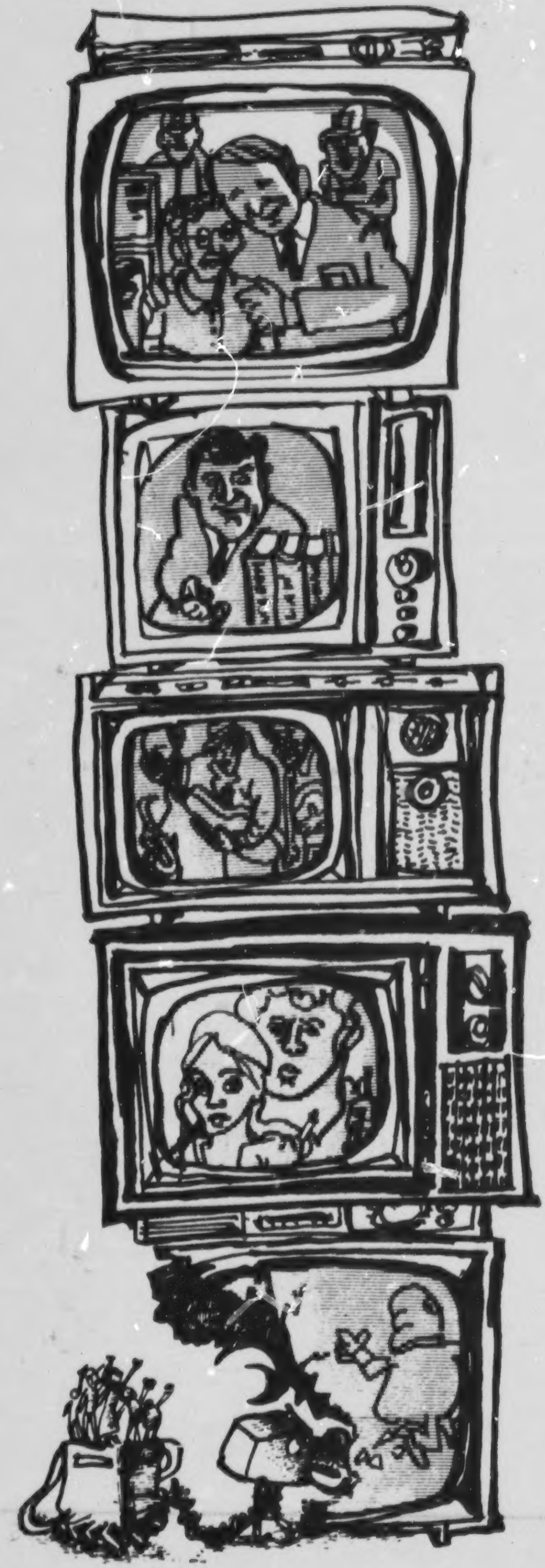
Some groups may want to be able to take advantage of cable's many channels as a way of meeting their own communications needs.

Some community groups will want to be involved in local advisory boards which will review local needs and franchising plans. Others will be more concerned with planning for public access programming after a system is franchised.

Some groups may feel that cable should not be allowed at all.

BUT ALL COMMUNITY GROUPS IN MASSACHUSETTS SHOULD BE CONCERNED ABOUT CABLE AND HOW IT WILL AFFECT THEM AND THEIR COMMUNITIES.

They need to be aware of what is going on and to let their voices be heard when local officials are deciding if and under what conditions cable systems will be developed.



[redacted]

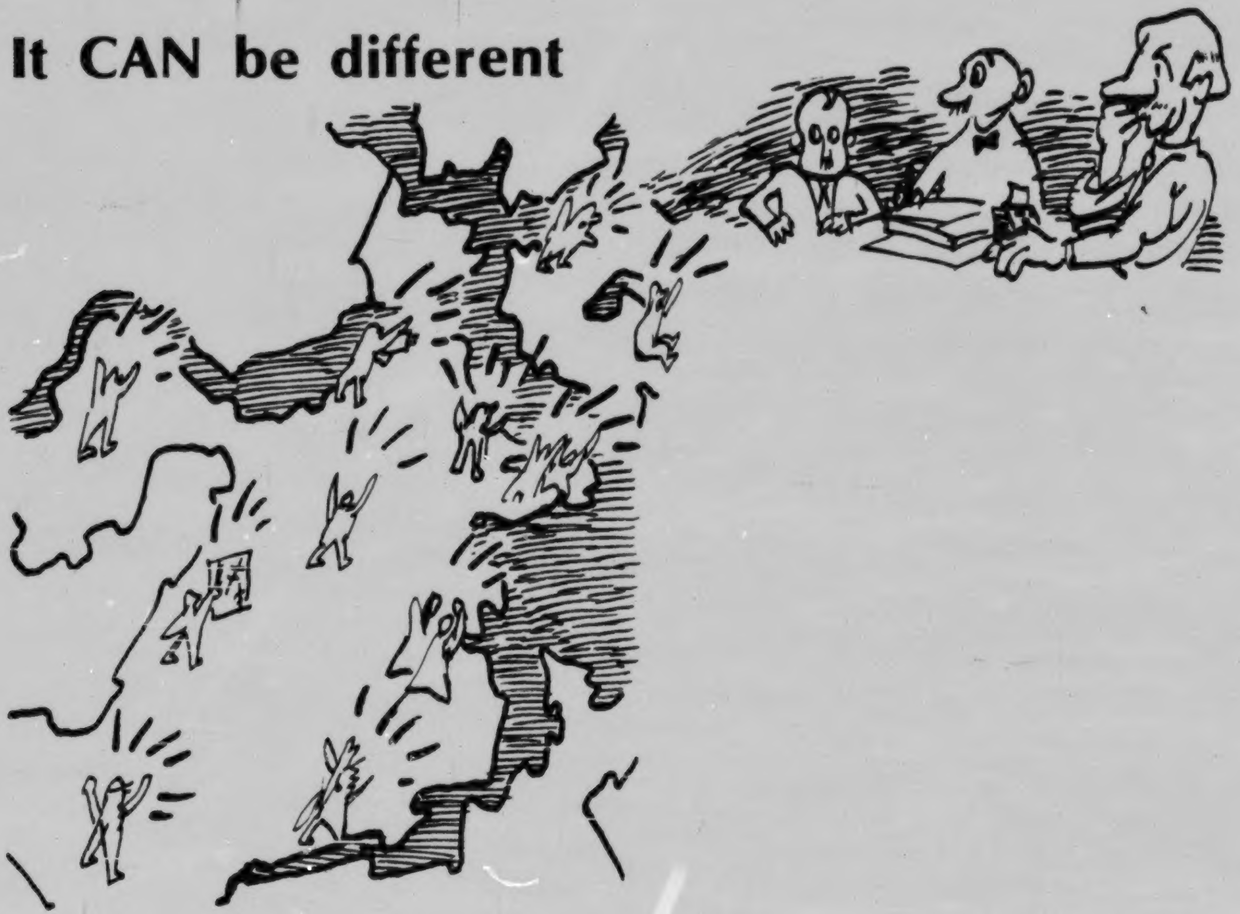
Cable TV is regulated by the Federal Communications Commission (FCC) which sets broad requirements that cable systems must meet.

Massachusetts also has state regulations and a state Community Antenna Television Commission, which has outlined methods each city or town must use in granting a license to build a cable system.

Most of the decisions about cable are left up to the local community. At several stages of the process, public hearings must be held, which should give all citizens a chance to take part and have their opinions heard.

In the past, many people were not aware of cable's potential benefits—or of its potential dangers. As a result, people often did not bother to get involved, and they ended up with very little say about how cable systems were set up and run in their communities.

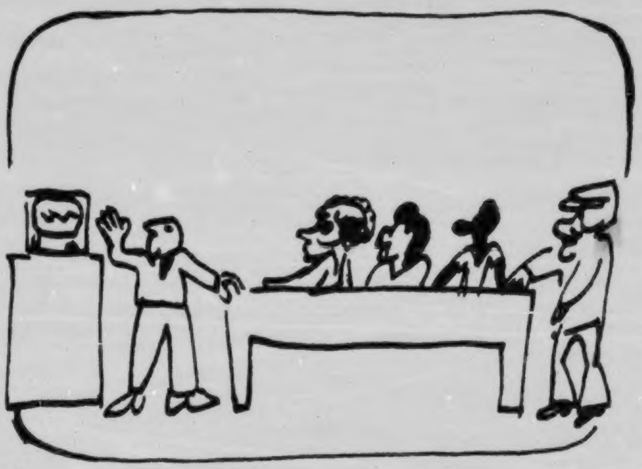
It CAN be different

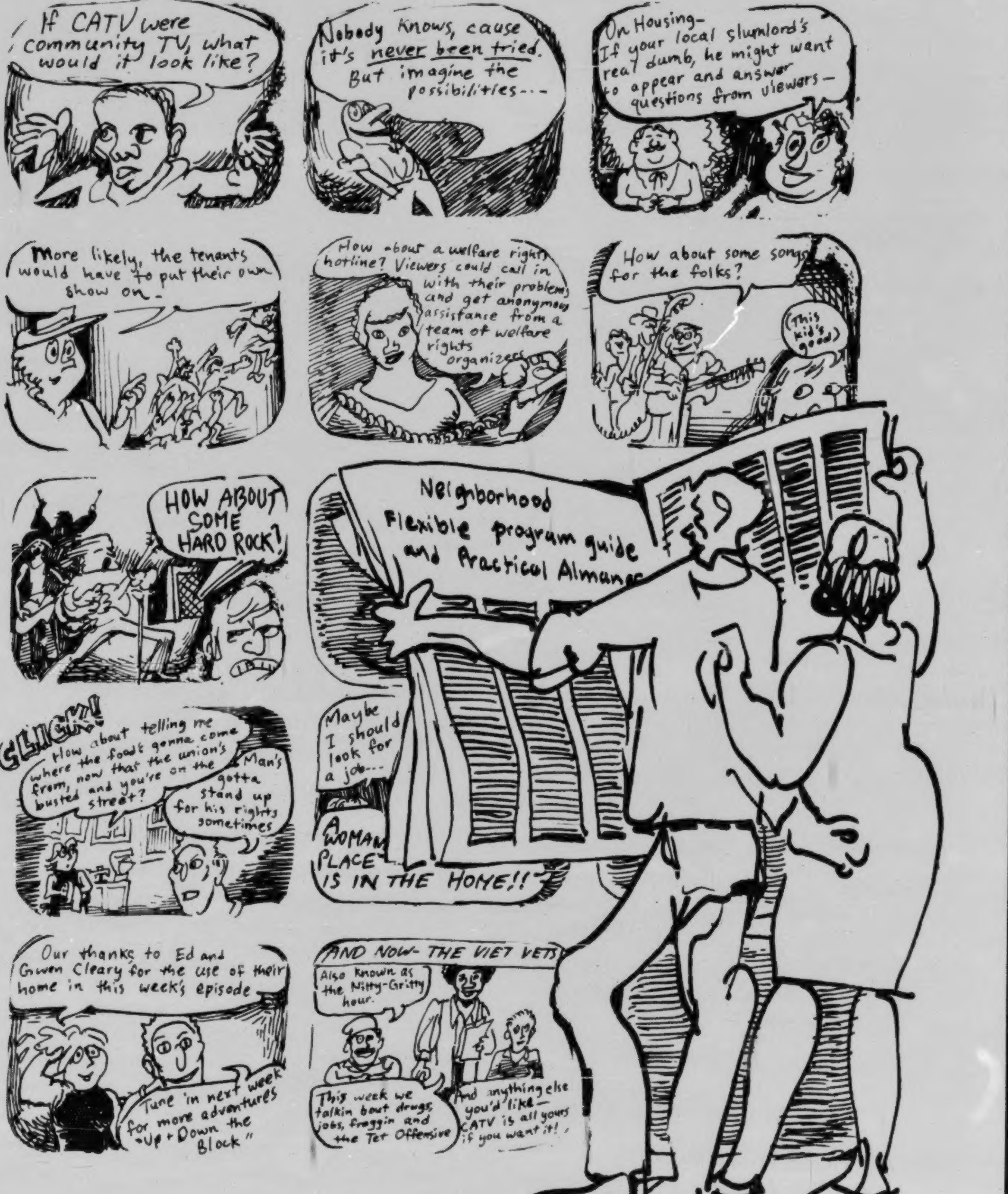


It is vital for community groups everywhere in Massachusetts to become educated about cable and to make themselves heard, in order to insure:

- that the people in the community can decide whether or not they want a cable system;
- that every community gets the best possible cable system, with enough channels and other facilities to meet its communications needs, both present and future;
- that the community has the option of local municipal or non-profit ownership if it decides this is in its interest;
- that the people in the community participate in controlling how the system operates and how its channels are used, no matter who owns it;
- that there are the strongest possible protections against bugging, cabletapping and other potential dangers to privacy and citizens' rights.

THERE IS STILL TIME TO GUARANTEE THAT REAL COMMUNITY TELEVISION WILL COME TO THE CITIES AND TOWNS OF MASSACHUSETTS.




If CATV were community TV, what would it look like?
Nobody knows, cause it's never been tried. But imagine the possibilities---
On Housing- If your local slumlord's real dumb, he might want to appear and answer questions from viewers-
More likely, the tenants would have to put their own show on-
How about a welfare rights hotline? Viewers could call in with their problems and get anonymous assistance from a team of welfare rights organizers
How about some songs for the folks?
(This kid's good)
HOW ABOUT SOME HARD ROCK?
Neighborhood Flexible program guide and Practical Almanac
CLICK!
How about telling me where the food's gonna come from, now that the union's busted and you're on the street?
Man's gotta stand up for his rights sometimes
Maybe I should look for a job...
A WOMAN'S PLACE IS IN THE HOME!!
Our thanks to Ed and Gwen Cleary for the use of their home in this week's episode
Tune in next week for more adventures "Up + Down the Block"
AND NOW- THE VIET VETS
Also known as the Nitty-Gritty hour.
This week we talkin bout drugs, jobs, fraggin and the Tet Offensive
And anything else you'd like- CATV is all yours if you want it!

2

CABLE TELEVISION IN SOMERVILLE

Community organizations in Somerville have been working since early 1973 to force modifications in the city's cable franchise and to prepare for an active role in programming the system's public access channel. Their experiences may be helpful to groups in other communities.

Somerville is a suburb of Boston, located in the country's sixth largest television market. It was declared an "All-American City" in 1973. Somerville is basically a blue-collar town, mostly white and mostly poor, with substantial ethnic minorities. Despite its residents' low incomes, it is a potentially profitable cable community because it is close to Boston and Cambridge, with their extensive programming resources, and because it has the highest population density in Massachusetts, making it relatively inexpensive to wire.

HISTORY OF THE SOMERVILLE FRANCHISE

In 1966, the Somerville Board of Aldermen granted a franchise to a local company, Somerville Cablevision, despite the city solicitor's opinion that cities had no legal power to license cable systems. As in most Massachusetts municipalities which granted franchises in the sixties, there was virtually no public discussion.

Somerville Cablevision, a subsidiary of Cablevision Corp. of America, was owned by Herbert S. Hoffman. Hoffman was building a little local conglomerate; he also manufactures "Dubbleware" overalls and owns a couple of radio stations. By 1971, CCA had been granted eleven cable franchises for communities around Boston, more than any other company, and it had the area's first operating system in Malden, a few miles north of Somerville. Malden was CCA's *only* operating system, however; the others were not even under construction.

In February, 1971, CCA was bought by Television Communications Corp., which thereby jumped from tenth to fourth place among the nation's multiple-system operators. Early in 1972, TVC was bought out in turn by Kinney Services, Inc., a communications conglomerate which also owned Warner Brothers motion pictures and records. Soon after acquiring TVC, Kinney changed its image and its name to Warner Communications Corp. Warner is now the country's second largest cable operator, and the largest in Massachusetts.

Although its franchise had changed hands twice, presumably at a profit, not a foot of cable had yet been laid in Somerville, and licensing fees promised to the city had never been paid. Most residents were unware that a franchise had been granted, let alone sold twice.

In November of 1971, the Massachusetts legislature, previously blocked by the state's cable industry lobby, finally succeeded in passing a bill regulating cable and setting up a state CATV Commission. Among other things, the legislation required existing franchises to be brought into compliance with certain minimum standards. It also gave franchising authority to city executives (mayors or city managers) rather than to the City councils and Boards of Aldermen.

In 1970, an Episcopalian minister, S. Lester Ralph, had been elected mayor of Somerville on a reform and

COMMUNITY-TV?
IT'S UP TO YOU

Cable-TV Public Access Group
Somerville Media Action Project
16 Union Square

anti-corruption platform. Ralph administration cable consultants reported that the mayor was considering throwing out the old franchise. But Ralph had other problems, including a city that was almost bankrupt and continual conflicts with the Board of Aldermen. Cable was not a top priority. Ralph chose to "renegotiate" the deal with Warner rather than risk a court fight with the company.

Release of the FCC's new cable regulations, which took effect on March 31, 1972, prompted the company to try to "grandfather" its franchise (exempt it from the regulations) by running a cable from the Malden system to a Somerville apartment building and wiring up some subscribers. It is questionable whether this really met FCC requirements, but the company covered itself by complying with FCC minimums in most respects.

The franchise renegotiation involved only the mayor's staff and consultants and company representatives. There was no public discussion and no opportunity for public input. Although state law requires a public hearing before a franchise can be granted, and the FCC calls for a "full public proceeding," the mayor's office argued that no hearing was necessary because they were modifying an old franchise, not granting a new one.

The new agreement, signed in May of 1972, was an improvement, primarily because it included the minimal standards set by the state and FCC. But the city gained little that was not already due it by law. The principal changes were:

- Channel capacity was set at a minimum of 24, with capacity for return *voice* communications;
- Government, educational, and public access channels were promised;
- The license period was changed from 25 years to 10 years, automatically renewable for 5 (state limit: 15 years renewable for 10).

Section 16 of the amended agreement stated "The entire system is to be constructed and operational by March 1, 1973. Time is to be of the essence."

COMMUNITY INVOLVEMENT IN REVISING THE FRANCHISE

For many residents, the newspaper announcement of the revised franchise was the first notice that cable was about to come to Somerville. Community group representatives met to discuss the franchise and formed the Public Access Group, as a committee of an existing organization, the Somerville Media Action Project. (SMAP is a voluntary group who, in addition to their interest in cable, have been teaching film, photography and videotaping to local teenagers.)

The group made several attempts to meet with Mayor Ralph, but found him virtually inaccessible. The mayor's assistant on cable expressed sympathy with the group's concerns and said that he was "working with the company" to make changes in the franchise. When SMAP suggested holding public hearings, however, he answered that hearings were unnecessary because *he* was adequately protecting community interests.

Meanwhile it became clear that the company would not meet its March 1 construction deadline. By February, construction had barely begun. At a meeting of the Board of Aldermen on February 8, SMAP questioned the franchise's legality and pointed out the lack of public involvement. They suggested that if the company failed to meet its deadline, the city could cancel the franchise.

The group prepared and submitted an analysis of the franchise, along with 16 policy questions they felt needed to be answered. They asked the Aldermen to call a public hearing.

The Aldermen were already upset about the way cable decisions were being handled. Although sympathetic to some parts of the SMAP position—in part because of their political hostility to the mayor—under state law they have no direct authority to deal with cable. Nonetheless, they agreed to call a hearing

SMAP spokesperson testifying at Somerville public hearing. Opposite page photo, Warner officials responding to community criticisms. Photos courtesy of the *Somerville Journal*.

Photo courtesy of the *Somerville Journal*

for April 26, to which they invited both the mayor and company representatives. In the meantime, SMAP held public information meetings and sent speakers to talk to other community groups. UPA and SMAP members produced a videotape about cable that was used at these meetings.

The cable company turned out in force for the April hearing, including several executives from Warner's New York office. Neither the mayor nor his cable assistant showed up, however. The mayor's office was represented by the city solicitor, who announced that a new agreement had been worked out between the city and the company and that they were only "waiting to get public reaction" before signing it. Both he and the company argued that the franchise was legal and not revocable, although they acknowledged the company's failure to meet its deadline.

Extensive coverage in the local paper, the *Somerville Journal,* had generated considerable interest in the hearing and SMAP had mobilized a massive turnout. One Alderman described it as the best attended public hearing he could remember.

SMAP had planned an elaborate presentation by its members and other groups (including the Somerville Tenants Union, the Teachers' Association, an amateur radio club, a political reform group, and a student in the Neighborhood Youth Corps program.) They repeated their argument that the franchise was legally questionable, and urged the mayor either to cancel it or renegotiate it completely. SMAP particularly stressed that negotiations should be opened to public scrutiny and participation.

THE FINAL FRANCHISE

Soon after the hearing, the agreement between the city and the company was released "for public comment." SMAP and other groups submitted detailed criticisms, but their suggestions were ignored, and the franchise was released without revision in May, 1973.

The new deal was unquestionably an improvement, but SMAP feels it falls short of what could have been achieved had the city listened to its citizens and taken a tougher bargaining stance with the company:

- Barring extremely bad performance by the company, license renewals were made automatic for *three* five year periods.
- The franchise promised a black-and-white access studio, with color equipment to be available when the system reaches 10,000 subscribers. A mobile van and crew were to be available for access and local origination.
- The number of free drops to be provided for schools and other public buildings was increased.
- The system was to be completed and operational by Dec.31, 1973.
- The company was to have an office, studio and production facilities in the city by July.
- The company is supposed to hire Somerville residents when possible.
- The franchise authorizes the mayor to appoint a community advisory board.

The mayor's office refers to the most interesting new clause as its "most favored community" provision. In essence, it promises that Somerville will benefit from more favorable provisions negotiated in the future in Massachusetts, *except* those requiring changes in system construction. The present value of this clause is limited because Warner is not now seeking additional franchises in the state.

Community proposals which were ignored in the new agreement included:

- special subscription rates for public housing tenants, the elderly and other low-income residents;
- specific procedures to protect privacy and civil rights (the franchise did give the mayor authority to enact rules in this area);
- an *elected* community board, with specific powers delegated to it in the franchise.

WHAT'S HAPPENED SINCE?

Since the agreement was signed in May, 1973, new problems have arisen. For one thing the company has not informed the city about favorable provisions in other franchises. During the public hearing, when a teacher asked the company to provide more free cable drops to schools, the Warner rep answered that it would be too expensive; but a SMAP member pointed out that the company has *already* granted a more generous provision to nearby Quincy.

The company has also failed to make its other franchises available for inspection; company officers told the Community Advisory Board this is the mayor's responsibility. On other occasions, the company has tried to pass the buck to the Community Board itself. For example, the revised agreement says the company must print and distribute 150 copies of the franchise. Asked about its failure to do so, Warner replied that it was up to the Board to locate a printer.

The Massachusetts State CATV Commission repeatedly declined to intervene to correct the inadequacies in the Somerville franchise. After the 1973 agreement was released, both SMAP and the *Somervil*[illegible]*nal* appealed to the Massachusetts Consum[illegible]uncil to intervene with the CATV Commission (as it has the power to do under the state cable regulations.) Although the Commission consented to hold an "informational" hearing on the issues involved, it declined to act except to order the franchise's renewal provision to be brought into line with state requirements.

So far, Warner has failed to meet every deadline it agreed to in Somerville. Its studio facilities, due in July, 1973, had not opened by February, 1974. A

Somerville Media Action Project

mobile van for local programming had not materialized. Schools and institutions were not wired as promised. The company is not producing any local origination programming and apparently has no plans to do so, and it is putting only the most minimal efforts into meeting its public access obligations.

The company is consistently evasive in its dealings with community groups, making sweeping promises in private, but refusing to put these into writing or to negotiate seriously. Local officials say they can't act without approval from New York—approval which never seems to come.

Warner's performance in Somerville is a good example of the industry tactic described in the introduction (pages 2-3.) Little more than half a year after signing its Somerville agreement, the company is pleading that it can't afford to keep its promises.

The Community Advisory Board, which was appointed by the mayor soon after the renegotiated franchise was signed, spent months in fruitless discussions and negotiations with the company. Finally Warner's repeated failure to back its commitments proved too much for the Board. After a meeting with Warner officials in January, 1974, the Board recommended that the mayor start legal proceedings to revoke the franchise. Warner regional executive Bart Swift told the Board "the industry has been the victim of its own blue-sky promises" and is in a financial "nosedive." A Board member replied, "Our concern has never been for the industry, but for the city of Somerville."

Faced with the threat of revocation, the company agreed to provide some of the services that, a week before, it had said it could not afford. It agreed to:

- replace film screening equipment it had sent to one of its other systems,
- rehire a program coordinator who had been "let go,"
- put its promised mobile van into service,
- complete construction of its studio and get it into operation,
- provide copies of franchises with other Massachusetts communities.

However, Swift repeated that the company "can't deliver *everything* it said it could." For example, although the company will provide a color production van which can be used by access programmers, it is planning to charge $175 *per hour* to use it. (As a matter of fact, by early April the company still had not provided the promised services, except for completing its studio, which the City Solicitor described as "a storage room for portable equipment.")

KEEP THIS PLACE CLEAN

Somerville Media Action Project

The Board insisted on *complete* franchise compliance or revocation, but it is now delaying plans for a public hearing.

In the meantime, the mayor's office is once again (March, 1974) engaged in private negotiations with Warner. Many people in the community fear that, rather than insisting that Warner fulfill its promises, the mayor may sell them out once again. The Board would be powerless to prevent him from doing so.

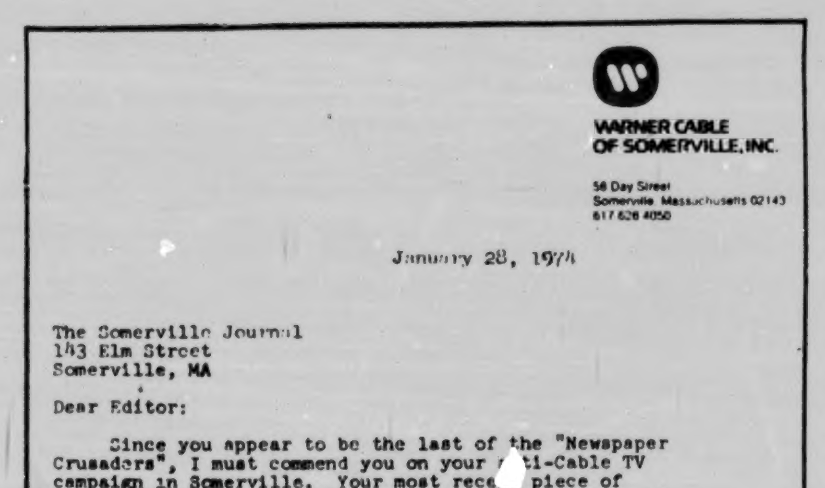
SMAP is concentrating on public access. The group has a weekly show of videotapes made by its members and other community groups. These have included interviews with local residents on rising gas and food prices, tapes of farmworkers rallies, demonstrations of the People's Bicentennial Committee, short skits and community announcements. The Somerville Tenants Union has presented tapes of hearings on rent control and heating problems.

SMAP has also used its cable program to talk about Warner's failure to provide equipment necessary for good quality cablecasting, and to suggest what subscribers can do if their public access reception is poor—like calling cable company executives at home.

The city is in a tough position. Warner, like big cable operators in other communities, made a lot of promises to get the franchise. Now it is simply saying "We can't do it. You will have to take what we want to give you." The city is already wired, and more than five thousand residents have subscribed. The city can do little short of revoking the franchise, and Warner has already said that it will put up a "grand battle" in court. If the city succeeds in revoking the franchise, it will be without cable service for quite a while. On the other hand, if the city doesn't put its foot down now, the company will continue its high-handed pattern of ignoring its franchise commitments and its obligations to serve the community.

SOMERVILLE
MEDIA ACTION
PROJECT

Somerville Media Action Project



WARNER CABLE
OF SOMERVILLE, INC.

58 Day Street
Somerville Massachusetts 02143
617 626 4050

January 28, 1974

The Somerville Journal
143 Elm Street
Somerville, MA

Dear Editor:

Since you appear to be the last of the "Newspaper Crusaders", I must commend you on your [illegible]ti-Cable TV campaign in Somerville. Your most rece[illegible] piece of Literature, Thursday-January-1974 can only be compared to a baker icing his cake. The only difference between you an a good baker is a quality finished product.

I've tempted many times in the past to refute alligations. However, I've never had until now, the one line that kills the entire content of your anti-Cable campaign. Since Oct. 20, 1973, there have been 5000+ people in Somerville "signing-up" for Cable TV instaliation, Our product sells itself, I have not placed any media-advertising since the lst week of December, and yet the people keep coming in to sign-up. In the advertising industry, this type of response is called "Word of Mouth Satisfied Customer Advertising".

The quality and success of the Cable TV System in Somerville is in the hands of our satisfied subscribers. Need I say more?

Thank you for your consideration.

Sincerely,

WARNER CABLE OF SOMERVILLE

James Gatto

James Gatto
General Manager

JG/bb

A Warner Communications Company

Letter from the General Manager of Warner Cable, Somerville, responding to articles in the January 24, 1974 *Somerville Journal* which detailed the company's failings, and reported the Community Advisory Board's decision to ask for revocation of the franchise.

The same issue reported that the *Journal* had just been awarded the New England Press Association's highest award for community service, for its series on the Somerville cable mess. The *Journal's* cable series has generally reflected the research and arguments presented by SMAP and other community groups.

3

CABLE TELEVISION IN BOSTON

On November 28, 1973, Boston's Mayor Kevin White announced his decision not to issue any cable television franchises in the foreseeable future. The mayor noted that locally-oriented programming has not been developed very successfully, that state and FCC restrictions on the fees cities can charge cable operators limit monetary benefits to the city, that cable technology is not fully developed, and that there are not yet adequate safeguards against potential "Big Brother" uses of cable.

What happens in Boston will affect the future of cable throughout the state, and perhaps throughout New England. Boston is the center of state government; cable coverage of the legislature or the governor will require connections to Boston. State and federal service agencies located in the city may wish to offer assistance to the state's citizens via cable. Boston is also a financial center, a center for the region's health services, an educational center. Many of the services proposed for the cable systems of the future —computerized banking, interactive educational services, telemedical interconnections—will almost certainly have to involve these Boston institutions. Finally, Boston is an entertainment center, with its athletic teams, theaters and other events. It will be a major source of entertainment programming for the region's cable systems.

For a commercial cable company, control of a Boston franchise could be very profitable. The scramble for franchises in the Boston suburbs was undoubtedly motivated by the companies' desire for a foothold close to the central city. At the moment, however, the cable industry has reduced expansion, especially in the major cities, and White's decision may be welcomed by cable operators who would rather not have to compete for a Boston franchise at this time.

On the other hand, if Boston decides on municipal or community ownership, or produces an innovative franchise, other communities might also begin to experiment. In any case, White's decision will give the city time to proceed more carefully than many cities have in the past.

RECENT HISTORY

In April of 1969, then City Councilman Tom Atkins introduced an ordinance for franchising cable systems in Boston. The Atkins proposal was quite farseeing for a period when many Massachusetts communities were still blindly rubber-stamping franchises written for them by commercial cable companies. Atkins said Boston might be divided into as many as ten economically viable cable districts, and that no company should own systems in more than one district. He argued that systems should not be owned by anyone who also owned a daily newspaper, radio station or television station serving Boston. Under his plan, *a majority of the operating control and at least 40% of the financial ownership of each company would have to be held by residents of the cable district served.* Thus, if East Boston were a cable district, its residents would own at least 40% of the East Boston company and make up a majority of the company officers and managerial employees.

Also, the franchise and the company would have to be approved by area residents in a special municipal referendum.

The Atkins ordinance would have limited franchises to ten years and given the city the right to buy back the system's physical plant at the end of the franchise or if it were cancelled for cause. The buyback decision would require resident approval.

The Atkins plan was held up in committee for over two years. Finally, in March, 1971, the City Council Committee on Ordinances and Resolutions began holding hearings. Atkins expressed interest in municipal ownership for Boston, and spoke in favor of graduated rate structures permitting low income subscribers to pay less than others.

Representatives of the cable operators complained that no cable company would be able to accept the Atkins ordinance, especially the 40% local ownership requirement and the ten year franchise limit.

Before the final hearings in May, 1971, Committee Chairman Gerald O'Leary asked a consultant, Edward J. Roth, to draw up an alternative franchise. Roth, who was a consultant to the National Education Association, submitted a report which stressed the needs of educational institutions and ignored those of other potential cable users. But the Roth plan did include a few new points, including graduated monetary penalties for company failure to meet its commitments.

Hearings ended in May, without a decision on either of the proposals. However, as long as the Atkins proposal was before the Council, they had been blocked from granting any less adequate franchise.

Before the Council could get around to acting on cable, two things happened: Atkins left the Council to run for mayor, and the legislature passed new cable regulations giving franchising power to city mayors, thus eliminating the Council's role.

Mayor White did not move immediately to deal with cable, although some community groups feared he might do so. He assigned an assistant to study the matter.

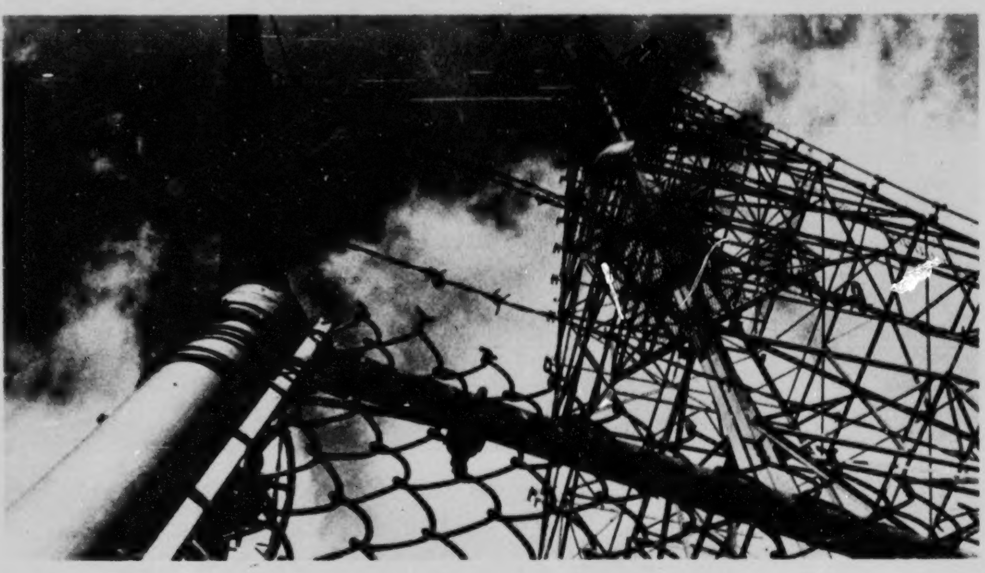
During this period, the UPA Media Project initiated an educational program to acquaint community groups with what cable might mean to them and the people they represented. Media Project staff met with most of the O.E.O. Area Planning Action Councils as well as numerous other groups to discuss how they might become involved. Most groups wrote the mayor expressing their concern and demanding that he delay action until he had consulted with all elements of the community. Group representatives went to listen and sometimes to testify at hearings held by the newly-appointed state CATV Commission.

In May, 1972, the Media Project and other organizations working on cable education held a "city wide conference on cable for community groups." There was still very little awareness of cable issues in the city.

REPORT OF THE BOSTON CONSUMERS' COUNCIL

Early in 1972, Mayor White asked the Boston Consumers' Council to prepare a cable study. The Executive Director of the Council, Rick Borten, was White's principal advisor on Cable TV. In October, 1972, the Council held a series of four hearings on cable. To quote from their report:

> The purpose of the hearings was to provide the public with an opportunity to air their views and give the City a sense of the public's concerns before going ahead with franchising.
>
> Although the hearings were announced on television, reported in the papers, and advertised on the second page of both the City's daily newspapers, attendance was sparce. Most of the people who came had a vested interest in cable's development: they were either cable operators, potential applicants, consultants or representatives of institutions that would possibly engage in CATV programming.
>
> Most expressed distrust of the City's motives, and many urged that the City Administration undertake an effort to educate residents before any decisions on cable are made.



> The few citizens attending the hearings who did not fall into the categories discussed above tended to express concern about, if not opposition to, cable development. . .

Despite citizen concerns, the Consumers' Council made no effort to educate residents about cable, nor did they urge the mayor to set up procedures for doing so. Borten, the Council, and the mayor's office have generally adopted a "leave it to us" attitude toward those who have tried to find out what was going on.

The Consumers' Council completed its report in private, for all practical purposes, consulting only with a few outside "experts." The report was given to the mayor in July, 1973, but not made public until the end of November. During that time, according to his staff, the mayor had the study under "intense scrutiny." It seems more likely that he simply postponed announcement of his decision until it seemed politically useful.

The Council noted "an enormous disparity between what CATV can potentially do and the services that are actually being provided." A major problem cited is the state cable legislation presently being interpreted as limiting the fees cities can charge cable operators. The Council argued that the amount allowed is insufficient for Boston properly to regulate and oversee a cable system or to subsidize educational, municipal and community programming. The Council also expressed concern about unauthorized monitoring and surveillance:

> It is the consensus of the Council that a Boston franchise must contain rules prohibiting CATV monitoring without subscribers' consent, that the City should support legislation making the invasion of privacy by cable a criminal offense punishable by fine and/or imprisonment, and that (as soon as the state-of-the-art permits) a technical means of insuring that unauthorized tapping or subscriber monitoring does not occur be installed at the operator's expense.

In its report, the Council noted that new developments are being made in cable and related technologies, so that Boston might get a technically better system by waiting. Furthermore they pointed out that the industry appears to be having economic difficulties, especially in major cities. The Council relied heavily on New York's experience with cable, however, and New York is not necessarily comparable to Boston.

The Council did not consider it feasible to divide the city into separate cable districts. However, they suggested the city consider separating ownership of physical plant from program ownership. This would make it possible to grant one franchise for building and operating the hardware, and separate neighborhood franchises for programming operations.

The Council urged consideration of municipal ownership of the system itself, although it doubted the city's ability to handle the financing problems. If the city were to own the system, they suggested that "an authority with broad community representation" could administer programming and services.

THE MAYOR'S DECISION TO POSTPONE FRANCHISING

In general, the Council report provided more questions than answers. It recommended that the mayor either postpone franchising for the immediate future, or establish only a very limited experimental system.

White's decision to postpone franchising is probably a wise one for Boston. Communities shouldn't rush into franchising before municipal officials and the public at large are convinced it is to their advantage. But the way in which the matter has been handled raises some problems.

The state CATV Commission presently requires a public hearing before an issuing authority decides whether or not to proceed with franchising. White has, in effect, preempted the public participation required by the Commission.

If hearings were held it is quite possible they would reach the same decision. But the mayor of Massachusetts' largest city is setting a poor example and a dangerous precedent by saying, in effect: "The people can say anything they want to, but I have made up my mind."

The major corporate contenders for Boston franchises will almost certainly welcome the freeze. As the Council report says, "While some major operators would feel compelled to bid on as important a system as Boston's, the operators are actually hoping that the city will not go ahead with franchising at this time; the viability of the Boston market is so uncertain and the investment so great."

White's position will be city policy only as long as he is mayor. Each new mayor is a new franchising authority. In the meantime, Boston has the benefit of a moratorium during which city officials can study cable. This could also be an opportunity for actively educating the community. Unfortunately there is no indication that White or the Boston Consumers' Council are really interested in community involvement.

4

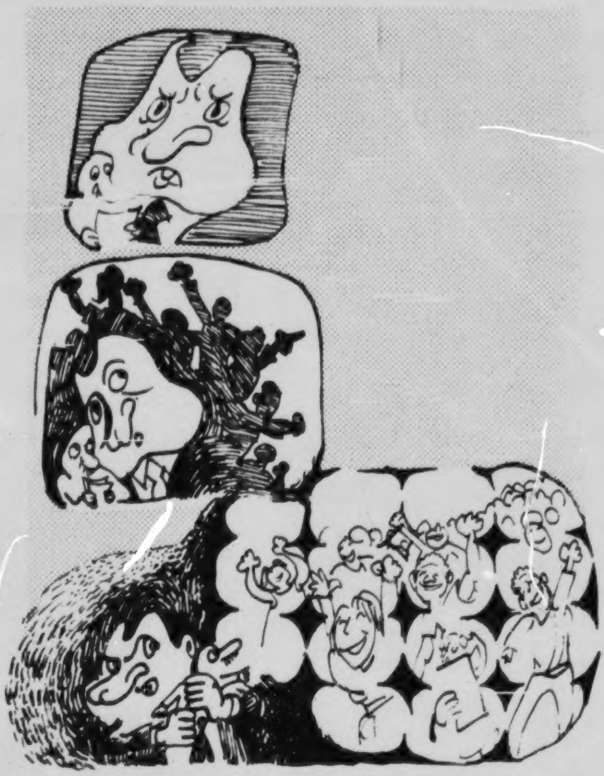
PUBLIC ACCESS—PEOPLE'S TELEVISION?

Putting out a newspaper or a national magazine is a multi-million dollar operation; broadcasting is even more expensive, and is limited by the number of broadcast frequencies available. Ownership of the means of communication is limited to the very rich, usually giant corporations. Newspapers and magazines are increasingly controlled by national chains, and broadcasting is dominated by the three networks and a few large "groups" like Westinghouse. Freedom of the press is for those who own the presses.

Local community organizations, fighting for changes in their neighborhoods, have generally found freedom of the press very elusive. If they made enough fuss, they might be covered by the papers or the evening news once in a while, but the coverage wasn't necessarily sympathetic and didn't necessarily present the issue accurately.

On the other hand, the media these groups can really *control* are the least effective: the mail, telephone, the mimeographed leaflet, handmade posters. They have a place in any community campaign, just as face-to-face organizing does, but community groups also need a way to use the more powerful *mass* media.

Cable television could be the answer to this need, but it's already clear that most cable systems are going to be controlled by the big multi-system operators —many of them the same corporations that already control newspaper and broadcasting "properties." Most cable programming, like broadcast programs, is going to be supplied by major producing corporations like Warner Brothers, the (Howard) Hughes Sports Network, Gulf & Western (Paramount Pictures), etc.



WHAT IS PUBLIC ACCESS?

The Federal Communications Commission presently requires that one channel out of the required 20 be set aside for "public access" cablecasting—cable programming by anybody who has something to say. In other words, only 5% of the channels are available to serve the free speech and free press rights of all citizens.

Public access was not simply a generous gift from the FCC and the cable companies. It was won by the efforts of local and national citizens' groups who lobbied with the FCC and organized in their own communities to *demand* it. These groups made it clear that if the public wasn't given some access to cable, companies were going to have a hard time getting franchises and subscribers.

Even now many companies are trying to restrict the use of access channels. The FCC has also shown signs of weakening its position on access. Groups should keep up the pressure on the FCC, and should also write strong access provisions into their local franchises. (See pages 79-81 for examples of franchise provisions dealing with access.)

WHY BOTHER?

Some groups, especially in communities where TV reception is pretty good, doubt that cable's potential benefits are great enough to outweigh its hazards. If the system will not meet the needs of all citizens —especially working people—it may not be worth the trouble. However, if the decision to franchise a cable system has already been made or seems impossible to stop, then the community should at least be sure it receives every possible service that cable can offer. Access is one of the most important of these. It creates the possibility of community groups using the most effective mass medium—television—on an equal basis with other forces in the society.

The FCC regulations governing access require one channel provided free of charge "on a first-come, nondiscriminatory basis." The system operator must set rules guaranteeing open access but forbidding advertising, lotteries and obscenity. Time on the channel must be free, but the use of equipment and facilities can be charged for. (A live studio presentation of five minutes or less must be free, and equipment for putting taped or filmed shows onto the cable must also be provided free.)

WHO CAN USE PUBLIC ACCESS?

Public access is supposed to be for anyone who wants to use it. In this handbook we emphasize access by community organizations, but you do not have to be a member of an organization to use the access channel. Although access can be used especially effectively to discuss serious and controversial community issues, it can be used equally well for local entertainment shows. Access can be used as well by an amateur theater group as by a local tenants' union.

ACCESS OR LOCAL ORIGINATION?

There is some confusion (both in law and in practice) about the different channels allocated by the FCC. First, there are three required access channels—for government, educational and public use. In addition, each system with 3,500 subscribers must produce programming on a "local origination" channel. Additional channels must be available for leasing on a common-carrier basis.

What kind of programming belongs on each of these channels? Suppose the city council is debating a proposed school appropriation. The hearing might be carried on the local origination channel, as a news event; on the government channel, as part of a regular plan of cablecasting public hearings; or on the educational channel, since it affects education. Finally, it might be put on the public access channel by a taxpayers group that's for or against the measure. It might even appear on all four, with different points of view coming out on each one.

It's the point of view, or perspective, that makes the difference. The local origination channel is run by the system operator, who controls its point of view. This may range from editorializing to "objective" news coverage. The operator should be encouraged to produce as much local programming as possible, including coverage of public meetings and other events, high school sports and so on.

Programming on the educational channel represents the views of the educational organization presenting it, whether the board of education, the parochial schools, or a private or free school. These groups should also be encouraged to produce general interest programming. The government channel is the place for official announcements and government services.

The public access channel is the place for individuals and community organizations to present *their* ideas, *their* activities, *their* plans. Sometimes groups may have to cover something that really belongs on another channel. If city government refuses to cablecast a rent board meeting that tenants think is important, the tenants union may have to air the meeting on the access channel.

Somerville Media Action Project

MAJOR ISSUES RELATING TO PUBLIC ACCESS

IS ONE ACCESS CHANNEL ENOUGH?

One access channel may not be enough to meet potential demand. There are several ways to deal with this. Local franchising authorities can require more than one access channel. To get FCC approval to do so, the community must have a well thought out plan for using the extra channels.

The New York City borough of Manhattan has two cable systems, each with two access channels. One is for occasional programmers and the other for people putting on a regular series. (Systems with only one channel might set aside certain time slots for regular and for occasional programmers.)

Leasing. One approach to providing adequate channel space is to find ways of using leased channels at rates people can afford. A California coalition including the Black Panthers and the NAACP got a major cable company to lease them a channel for $1.00 per year. In Memphis, Tennessee, women's groups did the same thing, and will soon begin the country's first cable channel operated entirely by and for women.

The Boulder, Colorado, franchise says that any non-profit corporations that can get a petition signed by 15% of the city's voters can lease a channel for $1.00. There is some question of whether this is legal, since leasing rates are supposed to be "non-discriminatory," but groups may still want to explore this approach.

Adding Channels. The FCC says that when all the access channels are in use most of the time for a number of days in a row, then new channels must be added. However, this rule does not apply to the channels individually. Thus if the public access channel or educational channel were filled all the time, but there was little demand for the leased channels (as is likely in the near future), no new channel would be required. The Boulder franchise applies the rule for adding channels to each category of channels individually. Thus whenever one type of channel is being fully used, another channel of the *same* type must be added.

WHO PAYS THE BILLS?

Cable programming is cheap compared to broadcast television, but it is not free. A portable half-inch taping outfit (usually called a portapack) costs about $1,500. Renting such a setup may run anywhere from $50-100 per day. A simple studio setup might cost $10,000 or more. Videotape itself is about $12-15 per half-hour reel. Access programmers must find ways to get the use of equipment and other resources without going broke.

The Operator. The place to start is with the system operator. The local franchise *may* require the system operator to provide equipment, studio facilities, videotape and technical assistance for access programming, either free or at low rates. Check out the franchise and be sure the operator is delivering on its promises. Sometimes franchises are not written clearly. A provision might state,"the company will provide reasonable use of production equipment and facilities. . ." Who knows what *reasonable* means? You *may* have to fight with the operator over such vague provisions, but first demand what you need. You may get it.

The Boulder franchise requires that 2% of the company's gross revenues go to an elected Citizens Forum to support access programming; the City Council will itself provide $15,000 over the first two years, and the Forum can raise money elsewhere. The company must provide a studio for access use, as well as other production equipment.

Under a Detroit proposal, 5% of gross revenues would be used to support programming on educational, municipal, community and public access channels. Studio and production facilities including mobile equipment would be required in each of five cable districts.

Operators should be pressured to go *beyond* what they have promised. Sometimes the operator's local origination studio and other equipment are idle part of the day; if you can show that you know what you are doing they may let you use the facilities even if not required to do so. (At present, however, operators are trying to get out of doing even the minimum required by law and contract; throughout Massachusetts, cable companies are closing down programming facilities or—as in Somerville—failing to provide them. Some companies, on the other hand, are promoting public access to avoid doing their own origination programming.)

The rule requiring free use of the studio for five-minute presentations isn't often used. However, a few five-minute spots in carefully selected time periods can be very effective, for example in advertising a coming rally or public meeting.

Local Government. After the system operator, local government is the next potential source of equipment and money. Many communities have special public access funds, usually supported by part of

the operator's license fees. But a city or town may also appropriate funds from its own budget as Boulder did. Such funds should be administered by a community board, rather than directly by the government, to reduce the risk of censorship.

Particular city or town departments and agencies may also be willing to support access activities. For example, the recreation department might support programs by local teenagers. City agencies may also have equipment or other facilities available, especially if municipalities start buying equipment to use in programming the government channel.

Schools and Other Sources. In many communities the schools will be the best source of programming equipment. Many colleges, junior colleges and some high schools have studios and other equipment.

Other local organizations may also have videotaping equipment: churches, labor unions and social service agencies, for example.

There are also many artists and other professionals working in videotape and interested in training others to use the equipment; these people are often willing to loan equipment.

Advertising can be used to fund programs on the local origination channel or leased channels, but not on the access channel itself. It might be possible to publish an access programming guide (or page in the local newspaper) and sell ads in that. However, advertisers should never be allowed to control the content of programs.

There may be other ways of supporting people who are doing programming. Several teenagers who are being trained in TV production by the Somerville Media Action Project receive support from the Neighborhood Youth Corps. They in turn assist community groups in producing videotapes.

LEARNING TO USE THE EQUIPMENT

Half-inch videotaping equipment is not hard to use. In fact it is easier to use than most home movie equipment. But it is *not* so easy to learn to use it well—to make tapes that are not just properly exposed and in focus but also interesting and effective. Skill comes with practice, and with criticism and suggestions from others. It's a good idea to work with a group, so that you can comment on each other's work. There are some good books on taping (see Bibliography). Take a look at these for suggestions and then go out and shoot tape.

Editing is particularly important in putting together an interesting presentation, and while it is more difficult to learn than shooting, it is worth the effort.

The system operator or the city should hire a public access coordinator to provide technical assistance to programmers. (This should be specified in the franchise.) Other organizations which have videotape equipment will also probably be willing to help you learn to use it.

WHO'S WATCHING?

Once a group figures out how to get its message on cable, it needs to think about its audience. Public access isn't just access *for* the public; it's also access *to* the public.

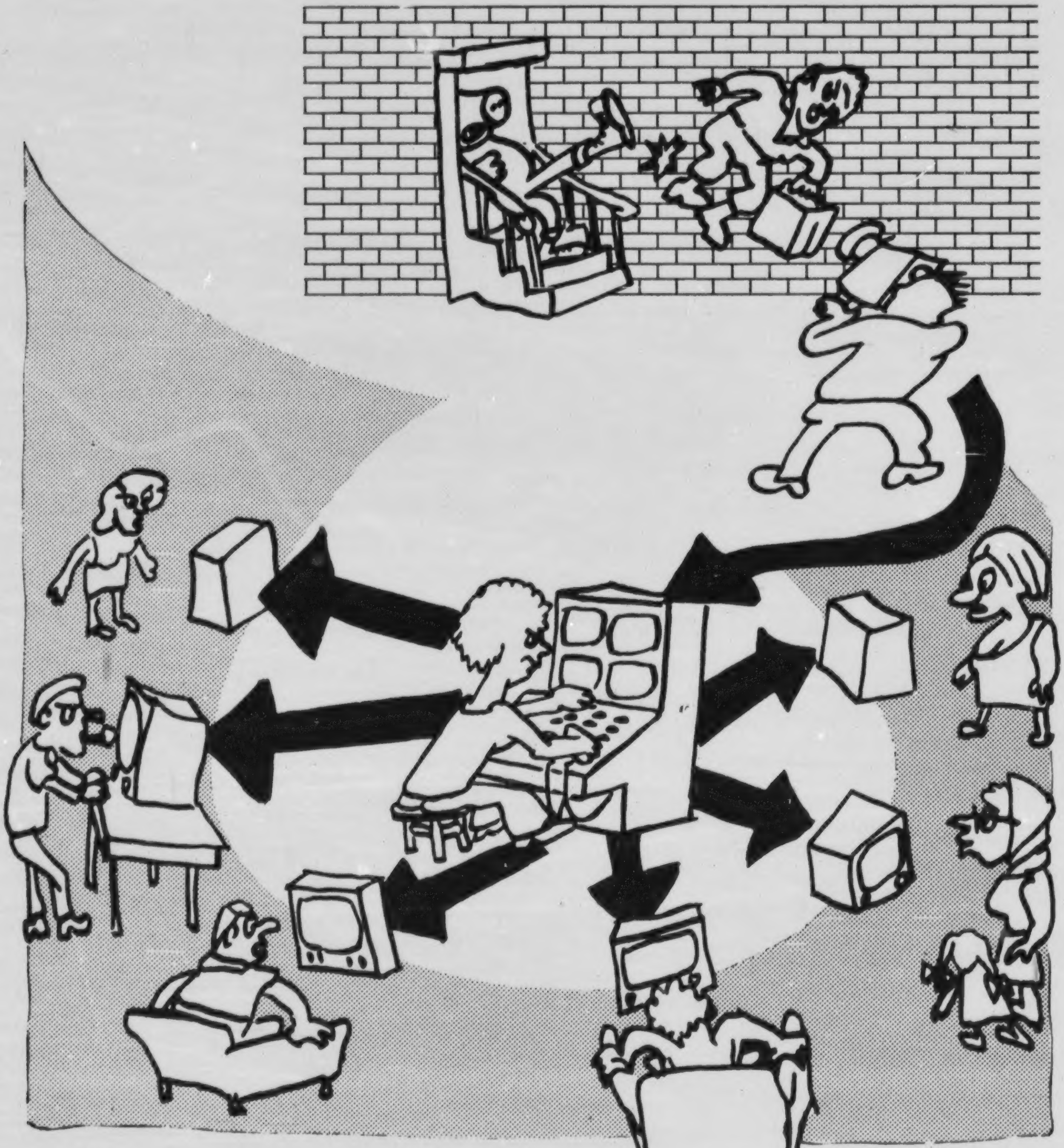
Unlike broadcast TV, cable is a local medium, and it can be used to reach small groups of people as well as large ones. A small audience is OK, if it is the *right* audience. A welfare rights group's program of welfare information doesn't have to reach everyone in the city, but it should reach as many welfare recipients as possible. However, a program advocating a change in local welfare regulations should be aimed at all the voters in town.

Viewing Centers. The audience a community group wants to reach may not have many cable subscribers, especially when the cable system is new. Many people may not be able to afford to subscribe or may choose not to for other reasons. Access programmers should avoid being caught in the position of "selling" the system.

One answer may be viewing centers where nonsubscribers can come to watch programs. Such centers can be in the system operators' offices, in schools or libraries, in storefront community centers, in union halls—anywhere that people might gather and where there is room for a bunch of chairs and a television receiver. Many schools and libraries already have TV sets and cable connections. Other spots might require a special hookup.

Besides making it possible for non-subscribers to view public access programs, viewing centers may have other advantages. People are more likely to act on information they receive from the mass media if they receive it in a group. Tenants watching a show on public housing problems together, in the project meeting room, are more likely to start talking about what to do about the problems than people watching in the privacy of their own apartments.

Building an Audience. Another major problem is letting people know what is on the access channel.



Some cable systems devote a channel to a daily listing of programs. Access programs should also be listed in the local newspaper. The operator should be pressured to pay for these listings if necessary.

However, a group with an important program may have to do its own publicity, placing ads in local papers, handing out flyers or putting up posters.

Producing a regular program at a regular time may sometimes be preferable to doing more elaborate programs. Instead of a long hour-and-a-half show on consumer problems, a group might schedule six or eight 15-minute shows on particular problems, to appear at a regular time weekly. In this way, the group might build up a larger audience, which will tune in each week for consumer advice.

EXPERIENCE WITH PUBLIC ACCESS

IN CANADA. . .

Cable is relatively new to Massachusetts, and this state can benefit from the experiences of people working in other areas. Canada is the most "cabled" country in the world, and access programming has been going on there for years. There is extensive government support for citizen programming activities, mostly through the "Challenge for Change" program of the National Film Board of Canada (see Bibliography for how to get their newsletter.) We do not have any comparable agency in this country.

IN NEW YORK CITY. . .

New York has had more experience with access than any other U.S. city. Manhattan has two cable systems. The northern part of the island is cabled by TelePrompTer and the southern part by Sterling Manhattan (owned by Time Magazine.) TelePrompTer has a free public access studio; Sterling does not. Both systems accept programming produced on half-inch videotape.

Manhattan has several foundation-supported organizations which help community groups and individuals with access programming. These organizations provide training and equipment; some have studios and editing facilities available to community groups. One group, the Alternate Media Center, has helped set up access workshops in other cities throughout the country.

A recent study "The Wired Island," found that in the first year of operation, more than 100 groups and individuals produced about 650 hours of public access programming; most shows were repeated several times. Use of the channel increased in the second year, *especially after TelePrompTer opened its access studio.* Access programming for Sterling also increased, but not as fast. In the second year 200 to 300 hours of new, original access programming was being produced *each month* for TelePrompTer alone. Presently, about 10 hours of access programming is produced daily. Though not all programs are equally well made or interesting, the argument by some cable operators, that public access channels will not be used, obviously doesn't hold water.

The New York study noted some problems that may also occur in Massachusetts:

Technical Quality. Operators often argue that half-inch programs are too poor quality to be cablecast. This study concluded that, if the equipment used is kept in good repair and adjustment, good quality signals can be produced. Most viewers surveyed considered the technical quality to be "fine." One problem the study found was that the company engineers considered access a bother, and didn't really try to maintain the best possible signal.

Censorship. Neither system has refused to show a tape on political grounds. The only cases of censorship have involved: one tape the operator thought might contain libel (later re-edited by the maker and shown); one tape considered to contain advertising (also shown after being re-edited); and several tapes censored for obscenity. Responsibility for program content has not been clearly established. There have been no court cases because the producers affected have not protested.

Audience. Seventy percent of those contacted said that the main problem was the difficulty of learning what was going to be on—*lack of publicity.*

AND IN MASSACHUSETTS

Public access is relatively new in this state. Although the Warner system in Malden has no public access as such, it does carry a limited amount of local programming on its origination channel. There is a TV production training course for high school students, a "Kids Today" program and a show called "Youth Forum." Systems in Amherst, Pittsfield-Dalton, Woburn, Worcester and other communities have also been carrying small amounts of local origination and/or access programming.

At the present time, however, most companies throughout the state are cutting back on their programming facilities, in apparent violation of FCC regulations, and sometimes in violation of their franchises. Warner seems to be the worst offender. It has shut down its local channel in Pittsfield and Dalton despite protests from city councillors and citizens' groups who had been using the channel. It has drastically reduced programming in Malden. In Somerville, it refused to provide programming facilities that it promised when it was renegotiating its franchise in June, 1973. The TelePrompTer system in Worcester has also stopped local programming although the manager there says they may start up again when a new studio is built.

If public access is to survive in this state, community groups must organize to enforce their demands. The next few years may be crucial.

ADMINISTERING PUBLIC ACCESS

Many communities have set up special agencies or boards to administer public access channels. If an elected community board already exists, it would probably handle this responsibility. Under one proposed plan, Detroit would be divided into five cable districts, each allocated two community channels. Each district would elect a cable administration of nine members which would operate one channel for use by community groups within the district. A city-wide board would operate the remaining channels, for use by city-wide community and public interest groups. The board would also allocate funds to support community programming. The district and city-wide boards would administer the channels, but would have no control over program content.

The Boulder franchise also established an administrative structure, a Boulder Citizens Forum, of five directors appointed by the city. The Forum may later become an elected board:

> It is the intent of the Grantor to ensure that the Public Access Channel is governed by a strong and independent group of citizens such that the channel may be free of censorship, open to all residents of Boulder and the Service Area, available for informational and cultural programming of all kinds, and available at all times for uninhibited, robust and wide-open debate on public issues. . .
>
> The Grantor shall endeavor, in its appointments, to achieve a broad representation of the diverse population of the City and Service Area. Age, sex, race, professional status, income group, student status, minority group status, leadership ability, demonstrated interest in community affairs, and other relevant criteria shall all be considered by the Grantor when making the appointments. Under no circumstance shall all of the Directors be of the same sex or representatives of a single socio-economic class.

PUBLIC ACCESS OPERATING RULES

Within 90 days after opening up the public access channel, the system operator must file operating rules with the FCC. Even if the rules are set up by a citizens board or other group, the operator must still make sure they are consistent with FCC requirements.

The operating rules *must* provide: 1) access on a first-come-first-served, non-discriminatory basis, 2) prohibition of commercial or political advertising, lottery information and "obscene or indecent matter", and 3) A public list of the names and addresses of people requesting access time. Operators may set up additional rules dealing with access operations. Community groups should be careful to see that these rules do not violate the spirit of open access and are not unneccessarily restrictive.

Production Facilities. Make sure the company is living up to all its requirements under state and FCC regulations, and to the promises it made in getting its franchise. If there are rules about when and under what conditions equipment can be used, be sure they don't exclude certain groups unfairly. If the studios can only be used during "normal business hours," for example, it may be impossible for working people to do any programming. You should protest against unduly restrictive rules. Charges for use of facilities should be as low as possible.

Allocation of Time. The rules might specify during what hours access programs will be cablecast, and may set aside certain time periods for one-time or for regular programmers. Make sure these rules do not interfere unnecessarily with anyone's needs.

Applying for Time. The rules will probably set out procedures for applying for time and facilities. They may require the application to be filed in advance to allow for scheduling. This time should not be too long and the rules should allow flexibility for covering last-minute or unexpected events. Some companies have required applicants to sign long and involved legal forms. On the advice of a lawyer, some New York groups simply refused to sign these forms, and after a while the company stopped using them.

Censorship. According to the FCC, neither the operator nor the local government can restrict the content of access programming, nor is the operator liable for access programming. Some operators insist on pre-screening programs to be sure they don't violate the rules against ads, lotteries and obscenity. Groups should object vigorously if such pre-screening is used as an excuse for censorship. Some communities have set special time periods or require warnings if a program might offend some viewers. Groups should not allow rules of this kind to be applied unfairly or unreasonably.

Copyright. Some operators will also require a statement that you have permission to use any copyrighted materials, such as music, that appear in your presentation.

All rules adopted for public access operations should promote its use as a free and open medium of local communications.

PROGRAM ORIGINATION BY U.S. CABLE SYSTEMS JUNE, 1973

Total Systems Operating		**3,032**
with automatic origination		**1,664**
with automatic origination only		**996**
Time & weather	1,597	
News ticker	288	
Stock ticker	124	
Sports ticker	42	
Message channel	189	
Emergency alert	20	
Music	62	
Advertising	322	
Other	58	
with non-automatic origination		**768**
Local live, tape, film	587	
CATV Network	40	
Film	181	
Tape	288	
Advertising	233	
Other	130	
Systems planning origination		**154**
Systems with no origination		**1,114**
Total originating programs		**1,764**

(Source: *Television Factbook,* 1973-4)

5

THE BIGGEST BROTHER

EFFECTS OF CABLE ON PRIVACY AND HUMAN RIGHTS

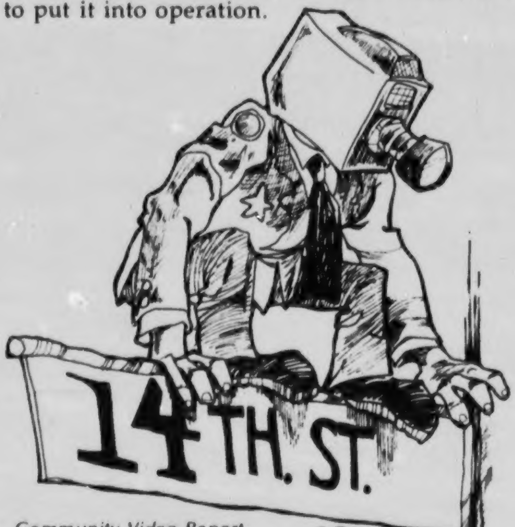
Many people fear what cable—especially two-way cable—may do to our personal and collective privacy, and to our ability to communicate, assemble and just go about our daily lives freely. Will cable bring George Orwell's *1984*—an age of constant government observation and control?

1984 is only ten years away. By then, it may become possible for a government agent or other snoop to sit down in front of a computer, push a button and in seconds:

- get information about our viewing and buying habits, magazine subscriptions, travels, memberships and contributions, job performance, medical and school records;
- read our mail and bank statements;
- find out the exact location and movements of our cars, and maybe ourselves;
- observe our activities on a TV monitor if we are in a public place, at work, or maybe even at home.

And it may be cable that makes it all possible.

None of these things are science fiction. The technology exists, at least in experimental form, and a number of companies and agencies are working out plans to put it into operation.



Community Video Report © Razzel Dazzel

THE THREAT TO PRIVACY

Let's look at what's already happening, and some of the problems created:

With two-way cable, all kinds of special services can be provided: shopping and banking via cable, audience polling and marketing research, automatic monitoring of home burglar and fire alarms, reading of utility meters, interactive educational programs, access to libraries and other information sources, making travel and theater reservations and many more. Special channels may be used to link doctors with their patients, lawyers with their clients, and for other "private" uses.

But use of these special services may result in the accumulation of huge amounts of information about cable subscribers—information which can be stored and analyzed in computers and used to compile "dossiers" on all of us.

Of course, a lot of personal data is already collected by government agencies, private credit rating bureaus, and other organizations. But cable may make the problem more serious in at least two ways. First, use of special cable services will expose more information about us to "tapping" or "monitoring." Secondly, it will help centralize and consolidate information that otherwise would be widely dispersed and hard to find. Cable will almost certainly be used to interconnect existing computer data banks, and make it possible for them to exchange information.

Although two-way cable is not yet in wide use, experiments are going on throughout the country. The FCC requires all new systems to be capable of at least non-voice (digital) two way communication, so it is likely that two-way operations will increase as the "bugs" are worked out.

- In Santa Maria, California, a central computer records what channel each subscriber is tuned to at all times. It can be programmed to supply the names and addresses of viewers who are watching a specified channel during a given time period.

- Boston's Massachusetts General Hospital is linked by two-way cable to Logan Airport and to health facilities in East Boston. Such a system can enable doctors to diagnose and advise on treatment of patients in remote locations, and can be used to transmit patient records, X-rays, EKG tests, psychological profiles and so on. We all want to provide better health care, but who will have access to the conversations and information that pass over these cable links? How can they be protected from eavesdropping?

- A cable company in Liberal, Kansas, has an "emergency alert" channel connected to the police chief's office, for distributing information about fires, tornadoes and hazardous road conditions. According to one writer, "A favorite use of the 'Emergency Alert' is the locating of lost and runaway children. Police have on hand the photographs of youngsters furnished by the schools. The photograph is broadcast when a parent reports the child missing." Do we really want the police to have "mug shots" of all our children?

- In Orlando, Florida, subscribers use cable for two-way shopping and credit card transactions. In Reston, Virginia, the MITRE Corporation's experimental computer-controlled system offers "a complete community reservation system." What happens to such information? How is it handled and who might have access to it? Already there are rumors that some cable systems have been selling lists of subscribers and their viewing habits.

- In Johnson County, Kansas, a two-way system enables homebound students to receive instruction and participate in school activities. This is obviously useful, but what about the privacy of these communications? Is data on the performance of students being stored somewhere in a computer data bank?

- MIT researchers are experimenting with two-way systems for "improving group decision making processes,"—essentially polling devices, adaptable for use on a cable system. They have held meetings using this equipment in Stoneham, Natick, Manchester, Malden, and Lowell, and at a Newton high school. Do we really want cabled and computerized democracy? What kinds of manipulations, frauds and distortions of public opinion might such systems make possible?

- El Segundo, California, and Irving, Texas, have two-way systems connected to fire and burglar alarms and utility meters in subscribers' homes. These sensors can be read from a central location. What other kinds of sensors and monitoring devices might be installed in our homes? Can we be listened to or watched without our knowledge once such systems are installed? Can information from such apparently useful devices as fire alarms and utility meters be used against us?

- In Connecticut, a subsidiary of Warner Communications is running a federally-funded experiment on sending mail via cable. Some experts predict this may lead to a nationwide "faxmail" system which could deliver mail at less cost and quicker than the present system.

"Faxmail" is a good example of how cable and computers, in combination, may multiply the danger to our communications privacy. In such a system, the person sending a "letter" would type it onto a computer terminal. The message would then be transmitted by coaxial cables, satellites and computer devices to the receiver. If desired, it could be printed out as a typed, sealed—and apparently private—letter.

The trouble is that it would not be really private. Anyone able to tap the cables, or with access to the computers, would be able to read it.

Government and other snoops can *already* read our mail if they really want to. But it is expensive and time consuming to intercept and steam open a lot of letters, and someone has to read and interpret each one. With computer-routed electronic mail, the process would be faster, easier and cheaper. Large numbers of letters can be "read" by a computer and analyzed in much more "sophisticated" ways. For example, the computer could be programmed to check out all letters to see if they contain criticism of administration officials. Then agents compiling "enemies lists" would only have to examine the "suspect" letters. If the computer were connected by cable to other data banks, they might be able to punch a button and get the tax returns or credit records of all these "suspects."

LAW ENFORCEMENT APPLICATIONS OF CABLE

Not all threats to our civil liberties have to do with the privacy of our homes and communications. Some government and business applications of cable may affect our activities as citizens:

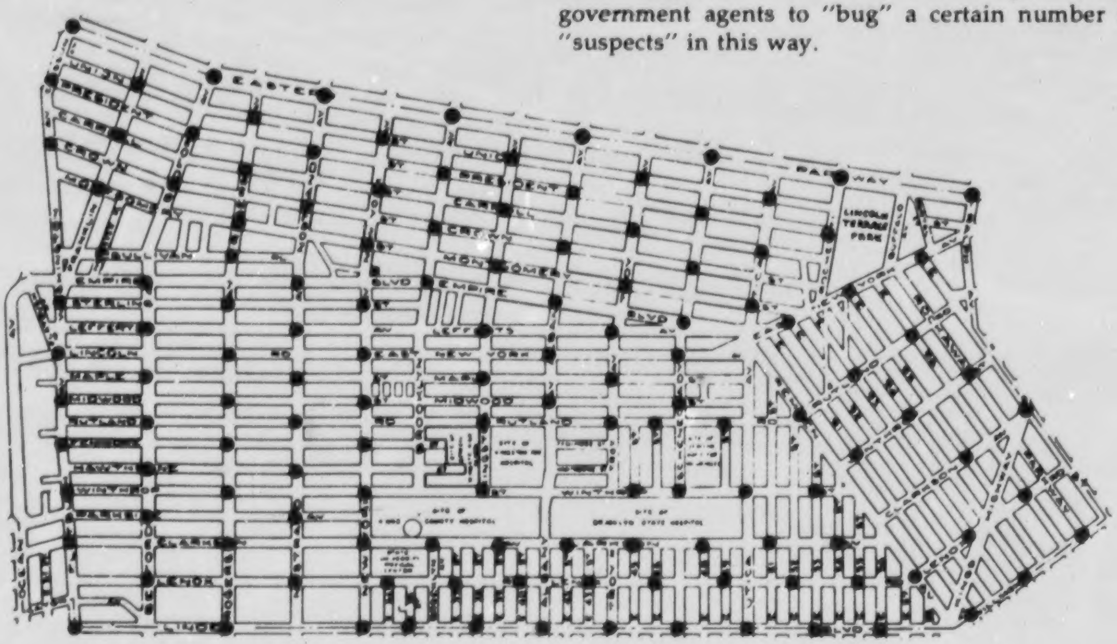
- Recent studies by government agencies and consulting firms have recommended using cable to set up "Automatic Vehicle Monitoring" or AVM systems designed to keep track of fleet vehicles such as taxis, mass transit vehicles, police cars, fire trucks and ambulances. Experiments with such systems have been conducted in Philadelphia and New York City. Each AVM vehicle would carry a tiny transmitter emitting a continuous identifying signal. A network of fixed-position "transponders" would relay the identity and location of the vehicle via cable to a central computer. What's to prevent such systems from being used to electronically "tail" private citizens the police are "interested in"?

- At least one "expert" has recommended requiring parolees and prisoners out on bail to have a similar transmitter attached to them *in such a way that it could not be removed,* so that the police could keep track of where they go.

- Probably the most wide-spread use of cable for law enforcement is television surveillance of public places. The concept has been pushed by the Justice Department's Law Enforcement Assistance Administration, and experiments are underway in New York City; Mt. Vernon, New York; Hoboken, New Jersey; San Jose, California and other cities. A surveillance camera is mounted on the JFK Federal Building in Boston's City Hall Plaza, though it is not (yet) connected to a cable system. A study commissioned by the Department of Housing and Urban Development proposed mounting 140 TV cameras on lamp posts throughout Brooklyn's 71st Precinct. These cameras would be monitored in a remote control center "fully integrated through walkie-talkies and car radios with a highly mobile police patrol force."

Such surveillance *may* help prevent crime, although that has not been proven, but it will also allow law enforcement agencies to keep an eye on all of us. Many businesses and industries are also installing surveillance systems to watch over their customers and employees.

New miniaturized cameras could conceivably be hidden in TV sets and used to observe people *in their own homes*. While channel capacity will limit the extent to which this can be done, it *will* be possible for government agents to "bug" a certain number of "suspects" in this way.



Map of Brooklyn's 71st Precinct from *Communications Technology for Urban Improvement,* by the Committee on Telecommunications of the National Academy of Engineering. Each dot represents one of 140 television surveillance cameras to be mounted on lamp posts throughout the neighborhood. The study was commissioned by the U.S. Department of Housing and Urban Development.

WHAT CAN BE DONE ABOUT THE PROBLEM?

It is essential for community groups and their members to be aware of these problems—to weigh the risks against the possible benefits of cable and decide, first of all, if they want a cable system at all. If *not* then they must do what they can to block its development in their community. If they decide that the benefits of cable are worth the risk—or if it seems that cable cannot be stopped—then they should at least work to minimize the potential hazards. The community can also control particular *uses* of cable. For example, would a cable hookup between hospitals and health centers really improve neighborhood health care? Would the improvement be worth the risk of loss of the privacy of doctor-patient communications? The community should be involved in making such choices.

These are hard decisions, but they must be faced by anyone concerned about protection of civil rights and liberties. If left to government agencies, business interests and professional planners, decisions are likely to be made on the basis of "efficiency" rather than human needs and problems—on the basis of the government's desire for social control and "order" rather than people's need for freedom and self-development.

ORGANIZING TO STOP CABLE

If people decide to oppose cable in their community, they should be prepared for a fight. How *much* of a struggle it will be depends on a number of things: the degree to which some residents want the increased programming cable offers, whether the police or school department favor cable's development, the desire of cable operators to get the franchise and so on.

In many communities, cable may not be an issue yet. Groups can take advantage of this situation to find out more and begin to educate their communities.

At the present time the cable industry appears to be in a slow-down phase. However, this situation could change very quickly. There is a strong trend toward creating a "wired nation," and sooner or later cable will come to every community—unless people decide to stop it. The stronger the industry grows and the more it becomes a national system, the harder it will be for local communities to hold out.

Groups who want to oppose cable will have to conduct a vigorous educational campaign. A lot will depend on how much political power can be brought to bear on the local issuing authority.

Another strategy might be to organize a boycott of cable. Cable television, at the present time, is almost totally dependent on the monthly payments of subscribers for its revenues. A relatively small number of subscribers can make the difference between high profits and no profits. A sufficiently convincing boycott threat, for example by a petition or massive demonstrations, might well scare the cable companies away. (This tactic may also be used with a system that is already franchised or in operation. A boycott might force the operators to improve franchise provisions or live up to their promises.)

A group called PANIC (People Against National Identity Cards) has vigorously opposed the "Big Brother" aspects of cable. In Cambridge, PANIC exposed plans for cable "experiments" by MIT and persuaded the City Council to hold public hearings on cable issues. As a result of these hearings the City Council declared a moratorium on cable development in Cambridge. PANIC opposes the development of cable because of the privacy problems involved, and has advocated the use of the boycott as a tactic.

Recently the Vermont Justice Commission turned down a request by the town of Windsor to set up a closed circuit TV system to watch people on the streets. The Commission was reported to be shocked and furious at the proposal. One Commissioner said she would rather be mugged on the street than watched on television. A year after a surveillance system was installed in Olean, New York, it was discontinued because of public criticism. A candidate for mayor was elected after describing the system as "an eye in the sky" and an invasion of privacy.

Night sky by Hughes

TECHNICAL SAFEGUARDS

There are technical devices and techniques which can reduce the possibility of *illegal* invasions of privacy. These include coding, scrambling systems, warning lights, special computer programs and so on.

But any technological safeguard can be overcome by technological means. If someone wants to badly enough, they can find a way to beat all the gimmicks. Nonetheless, community groups should insist on the best available safeguards for their system, since these do make snooping harder and more expensive.

In any case, such safeguards offer no protection against invasions of privacy by government officials or agencies.

Technological safeguards also require trained people to make sure they are installed and operating properly; the operator's technicians cannot necessarily be relied upon.

GOVERNMENT REGULATION

Many protections against invasion of privacy can be embodied into law at all levels—federal, state and local. The question with legal protections is who will watch over the protectors? How much can we rely on government agencies, when they are often the worst violators of privacy? Whatever their ultimate value, legal protections will only be as effective as aware and vigilant citizens make them.

Franchise Provisions to Protect Subscribers. Most local franchises have either ignored the privacy problem or have dealt with it inadequately. The Milwaukee franchise for example, merely prohibits "any and all electronic eavesdropping" by the operator. It does not define "eavesdropping"; it does not deal with monitoring; it does not take into account eavesdropping by government agencies or private individuals other than the operator.

The Wakefield, Massachusetts, proposed franchise says, "No additional service or two-way capability which infringes upon the privacy of individuals shall be permitted." Without a clear legal definition of infringement of privacy, this provision will be difficult to enforce.

In Somerville, community groups proposed detailed privacy regulations (see page 78), but the franchise as finally signed merely gives the mayor power to enact rules to prevent "unauthorized monitoring of channels and/or sets." The mayor has delegated some of this authority to the Community Advisory Board, but so far the Board has not got around to dealing with the problem.

Communities should forbid all use of cable, except for the transmission of radio and television programs, without specific authorization by the community after public hearings. This will at least give the community time to consider the problem. The Oakland franchise has a similar provision.

The franchise proposed in Madison, Wisconsin, would make any subscriber feedback system strictly voluntary, and would require some means for the subscriber to turn the system off. In addition, marketing research via cable would require the written permission of each subscriber.

Some of the strongest privacy provisions are in the Boulder franchise:

> *Cable Tapping Prohibited.* Neither the Grantee, nor any other person, agency or entity shall tap, or arrange for the tapping, of any cable, line, signal input device, or subscriber outlet or receiver for any purpose whatsoever.
>
> *Cable Monitoring Prohibited.* Neither the Grantee, nor any other person, agency or entity shall monitor, or arrange for the monitoring, of any cable, line, signal input device, or subscriber outlet or receiver for any purpose whatsoever, without the specific authorization of the Grantor, expressed by resolution, after a public hearing. . .
>
> *Privacy and Other Human Rights.* The Grantee and the Grantor shall maintain constant vigilance with regard to possible abuses of the right of privacy or other human rights of any subscriber, programmer or general citizen resulting from any device or signal associated with the Cable Communications System. The possibility of such abuse shall be discussed at every scheduled renegotiation session. Devices such as electronic locks, scramblers, warning lights, and others shall be provided. . .
>
> *Sale of Subscriber Lists Prohibited.* The Grantee shall not sell, or otherwise make available, lists of the names and addresses of its subscribers, or any list which identifies, by name, subscriber viewing habits, to any person, agency, or entity, for any purpose whatsoever, without the specific authorization of the Grantor, expressed by resolution, after a public hearing. . .

A Detroit study committee recommended "that cable system subscribers be granted, by law, a right of action for invasion of their privacy involving the cable system, and that such invasions of privacy also be made a criminal offense with violators subject to fine and/or imprisonment."

Good as they are, these provisions do not take every eventuality into account. The Boulder franchise does not define *who will decide* on the protective devices to be installed. It requires city approval for monitoring or the sale of subscriber lists, but this is really a decision that should be left up to the individuals affected. We have seen no franchise which specifies who will have access to the computers that handle two-way cable communications.

There are additional requirements which might be included in the franchise:

- Besides being forbidden to *permit* monitoring and tapping, the system operator should be positively required to *prevent* them. In other words, the operator should be responsible for "debugging" the system, and for preventing unathorized access to the computers used.

- Monitoring, or the sale of subscriber information, should require written permission of the *subscriber*, on each occasion. The operator should be forbidden to require such permission as a condition of subscribing.

- Communities should consider requiring the operator to hire independent experts, answerable only to the licensing authority or community board, to check for unauthorized tapping or monitoring, adequacy of technical safeguards, information leaks, and so on. Without such expert assistance, a community may have to rely on the company for assurance that privacy is being protected.

- The franchise should clearly reserve the community's right to make further rules, *or to order two-way operations terminated*, if the safeguards provided turn out to be inadequate.

Provisions to Protect the General Public. But what about other uses of cable that may threaten civil rights—police surveillance systems, data bank interconnection, vehicle monitoring, and so on? Many of these uses are favored by government officials, so it may be more difficult to get restrictions passed. Again, local pressure during the franchise process may be the key. A basic provision should require specific approval for all such uses after a public hearing. Even better would be a requirement for approval by referendum of the voters.

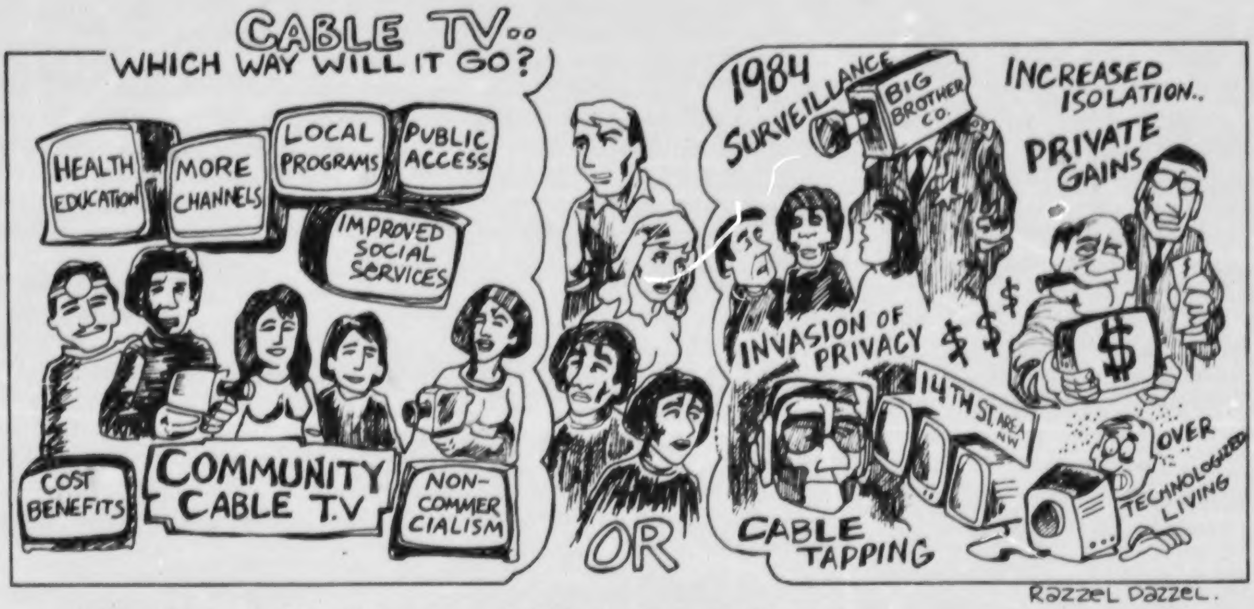
Groups should seek a ban on surveillance systems and related uses, at a minimum, and tight controls over all other applications.

Regulation Other Than Through the Franchise. The municipality might pass laws making it a legal offense to violate these rules. Unlike the franchise, which would only affect the system operator, such ordinances would apply to others who might be involved.

The state legislature should make it a crime to tap the cable, monitor without authorization, or release information obtained via cable without permission. Any subscriber should be able to sue both those responsible for an invasion of privacy *and* the system operator responsible for failing to prevent it. High punitive damages should be required in such law suits, since it is often hard to prove actual monetary damages in privacy cases.

Citizens groups should press for new laws of this kind. However, since groups may have more influence locally than they do over the actions of the legislature, perhaps the franchise should prohibit all two-way operations *until* such state regulations are passed.

The whole issue of privacy and possible threats to civil rights should be a primary concern for all community organizations. If they are not fully satisfied that adequate safeguards can and will be provided, they should try to delay or halt franchising. A franchise *without* adequate safeguards should be opposed by the community, either through boycott or other means.


CABLE TV..
WHICH WAY WILL IT GO?
HEALTH EDUCATION
MORE CHANNELS
LOCAL PROGRAMS
PUBLIC ACCESS
IMPROVED SOCIAL SERVICES
COST BENEFITS
COMMUNITY CABLE T.V
NON-COMMERCIALISM
OR
1984 SURVEILLANCE
BIG BROTHER CO.
INCREASED ISOLATION..
PRIVATE GAINS
INVASION OF PRIVACY
$ $
$
14TH ST. AREA NW
OVER TECHNOLOGIZED LIVING
CABLE TAPPING
Razzel Dazzel.

Drawing from *Community Video Report*, courtesy of Washington Community Video Center.

6

OWNERSHIP OF THE CABLE SYSTEM

Who will own and operate the system—a local or national company, an educational institution, a non-profit community corporation or the city or town itself? Should there be one system in the community or several? Should the owner of the system also be the one to build it? To run it? To produce programming for it?

We don't have a lot of experience to go on in answering these questions. Up to this time most systems have been privately owned and operated. Alternatives have been widely discussed but seldom tried out.

The easiest solution is to grant a franchise to an existing cable operator. To do otherwise will require an extra commitment of thought, energy and time on the part of the people in the community; but it may result in a better communications system.

No form of ownership automatically guarantees a good cable system or ensures protection of people's rights. Groups should decide what they want from cable in their community and *then* decide what form of ownership will best achieve their goals.

THE WAY IT IS NOW

The cable industry is almost entirely dominated by private companies, and is increasingly centralized in the hands of a few giant national corporations. Many of these Multi-System Operators (MSO's) are conglomerates with interests in other industries and business operations. Some examples are Warner Communications Corp., Gulf & Western Industries, Time-Life, General Electric, Westinghouse. Appendix B has information on companies which operate in Massachusetts, and where they have franchises.

Of the 100 franchises granted as of December, 1973, 94 were held by private operators. Six communities had granted franchises for municipally owned systems. The two largest operators, Warner and TelePrompTer, held 23 franchises, with 42% of the potential subscribers in all franchised communities. The top five operators held 52 of the 100 franchises, with 66% of the potential subscribers.

Similar figures apply nationwide. As of September, 1972, the 10 largest MSO's served 44% of the nation's subscribers and owned 33 of the 50 largest cable systems. The 25 largest MSO's served 69% of all subscribers. There are 35 cooperatively-owned and only 18 municipally-owned systems operating.

Cable is a new industry. Its major growth has come in the past five or six years, and it is still growing. Cable systems now serve only about 10% of the "television households" in the country. Despite current financial problems, cable continues to be a big money maker for the corporations. According to one source, only three cable companies have failed in the industry's entire history.

Cable companies have generally sought to maximize profits and minimize service, and have done everything in their power to fight attempts to promote community control. Although there have been cases of downright bribery, many of the worst franchises have simply resulted from corporate greed and the ignorance of municipal officials.

With more than 4500 systems franchised nationally, blacks owned only parts of systems in South Orange, New Jersey, and Oakland, California, and an unbuilt system in Gary, Indiana. No other organized minority groups owned any cable systems.

ALTERNATIVE FORMS OF OWNERSHIP

There are several reasons why communities should consider alternatives to corporate ownership: To increase responsiveness to community needs and desires; to create opportunities for members of minority groups to participate in ownership, employment and programming; to ensure community control and access; to provide a "yardstick" against which to measure the performance of commercially owned systems; to keep cable profits in the community rather than allowing them to be drained off by absentee owners. (This money could be used to improve programming, reduce rates or provide social services, or to finance other locally-owned enterprises.)

Charles Tate of the Cable Television Information Center has estimated that cable will be a $4.4 billion industry by 1980 and will create over a million new jobs. Since the industry will be supported by local subscribers' monthly payments, he argues, these benefits should be kept in the community. Tate also feels that "Access alone will not provide the measure of control required over capital, labor and technology, to stimulate and sustain economic and social development of ghetto areas."

A similar argument could be made for almost any business. The main difference is that cable operators need permission from local government to operate, so community groups can influence the industry through the local political process. Also, since cable needs subscribers to succeed, dissatisfied groups can exert pressure through subscriber boycotts and related means.

The main problem with all alternative forms of ownership is the difficulty of getting financing. One reason the big MSO's are increasingly dominating the industry is that the banks and other lending institutions want it that way. They prefer to deal with big national operators, and are basically opposed to alternative ways of developing cable.

One advantage to the banks is that they can make one large loan to an MSO for a number of systems, rather than several loans to smaller operators. The First National Bank of Boston recently organized a $150 million loan for TelePrompTer, the country's largest MSO, on the condition that TPT consolidate its existing operations rather than make new and expensive commitments elsewhere. Increasingly, such loans enable the big banks to dictate policy to the operators, requiring them to maximize profits at the expense of community services. This is one factor behind the current move of the big MSO's to back out of their commitments to communities they serve.

Alternative forms of ownership are also opposed by the cable industry lobby, which has gone all out to protect private ownership. The industry is strongly backed in this effort by the Nixon administration and to some extent by the FCC.

LOCAL COMMERCIAL OWNERSHIP

Some groups argue that local commercial ownership is preferable to ownership by a national corporation, because local people may be more responsive, and the capital generated would be retained locally. Combined with a limitation on the size of systems, this might give minority entrepreneurs a chance to compete. The benefits to the community as a whole appear pretty chancy. Experience indicates that local owners are really no more likely to provide good community service than national corporations, and if a local owner has outside financing, money will still be drained from the community.

How locally-controlled can a company be if its major financing comes from outside banks or companies? MSO's often include local investors in setting up their systems, but the MSO retains clear control.

Local owners will almost certainly run into financing problems, particularly if they are minority group members. A black operator with the franchise for South Orange, New Jersey, had to give up 80% of his company to white investors before banks would give him financing.

OWNERSHIP BY A COMMUNITY CORPORATION

Both non-profit and profit-making community corporations have been widely discussed by cable consultants working with minority and low-income communities. Revenues from such systems would be used for public purposes—to reduce rates, improve cable service, or support other community activities. Many of these plans involve a joint venture with an equipment supplier or cable MSO in order to get financing.

Dayton. A recent proposal for Dayton, Ohio illustrates such an arrangement, as well as some of the advantages and drawbacks.

Preliminary studies showed that Dayton's large black community was prepared to obstruct cable development unless they were directly involved. An agreement was reached by Cypress Cable Communications Corp. (now a Warner subsidiary) and black leaders to divide the city into two cable districts. In the black area, a separate company would be established, half owned by Cypress and half by a black community corporation, Citizens Cable Corp. (CCC). Each would put up $500,000 and they would also get loans of $1,000,000.

Citizens Cable would raise its money in two ways. First, it would sell shares at $15 each to local residents. An additional $400,000 would be loaned to CCC by Cypress and secured by a mortgage on 60% of CCC's stock. Each partner would have a half-interest in the joint company, but Cypress would hold majority operating control until its loan to CCC was paid off—10 years. In addition Cypress would appoint two of CCC's 11 directors.

On the face of it the plan seems attractive. But there are difficulties that are not immediately apparent. In the first place, it is possible that Citizens Cable Corp. would become dominated by a few investors. These might be local investors, but that is no guarantee that they would truly represent the community's interests.

In the second place, the agreement contains an interesting clause: "As long as the indebtedness remains outstanding CCC must agree to make no distributions through the payment of cash dividends or to incur unreasonable expenses for salaries or other outlays, the effect of which would prejudice CCC's economic viability." This means that CCC is not free to spend money on services or facilities unless Cypress thinks they are "reasonable"—no matter what the community needs or desires. This puts CCC in the position of having to mediate between the community and the actual controller of the money, Cypress.

Finally, if Dayton follows the predicted pattern for most major markets, big profits may not appear until near the end of the 10-year term, so CCC may be unable to pay off its loan. Cypress could then call its mortgage on CCC's stock, thereby controlling *80%* of the company. On the other hand, if the company is profitable, the assessed valuation may be so high that CCC will be unable to buy out Cypress. In any case CCC will have to try to maximize the company's profits, possibly at the expense of providing good low-cost service to the community. CCC will also have to "sell" cable in a community where many residents, fearing surveillance or for other reasons, do not want it. Will the community really benefit from such arrangements, or is the commercial operator simply using the prestige of local groups and leaders as leverage to get a profitable franchise?

So far the Dayton joint venture has not received a franchise, nor have similar proposals in Bedford-Stuyvesant (Brooklyn, New York) or Watts (Los Angeles.)

In addition to direct partnership with a commercial MSO, other methods of financing community corporations have been suggested. These include: joint ventures with other private investors, insurance companies, churches or other institutions; support from government or foundation funds; sale of "tax-shelters" to wealthy individuals; construction of the system on a "turnkey" basis, with a community option to buy it back.

Former Boston Councilman Atkins once proposed a three-way joint venture, in which the city would finance construction, a profit-making company would operate the system, and a community non-profit corporation would deal with programming and access. There would be a gradual transfer of full control to the community.

OWNERSHIP OF U.S. CABLE SYSTEMS

	March, 1971		**March, 1972**		**June, 1973**	
	number	*percent*	*number*	*percent*	*number*	*percent*
Broadcasters	*766*	*29.7*	*1,077*	*37.9*	*1,048*	*34.6*
Newspapers	*175*	*6.8*	*180*	*6.3*	*308*	*10.2*
Other Publishers			*75*	*2.6*	*221*	*7.3*
Program Producers			*217*	*7.6*	*604*	*19.9*
Theaters			*97*	*3.4*	*130*	*4.3*
Telephone Companies	*132*	*5.1*	*57*	*2.0*	*50*	*5.6*
Community or Subscriber			*81*	*2.9*	*75*	*2.5*
Manufacturers					*320*	*10.6*
TOTAL OPERATING	**2,578**		**2,839**		**3,032**	
MEDIA CROSS-OWNERSHIP	**1,073**	**41.6**	**1,703**	**59.8**	**2,361**	**77.9**

(Source: *Television Factbook*, 1971-2, 1972-3, 1973-4. Cross-ownership of any degree is counted. Ownership in more than one category is counted in both.)

MUNICIPAL OWNERSHIP

Ownership by the city or town would guarantee local control, but not necessarily *community* control. The principle argument for municipal ownership is that a municipally-owned system could provide more for less. If a system is financed through municipal bonds (which pay less interest than loans to a commercial operator), the cost of construction and operation would be reduced. These savings could be passed on to subscribers. In addition, a non-profit municipal system would permit revenues to be used to reduce costs, improve the system or for other public projects. Preliminary research in Arlington showed that if only 25% of the town subscribed, a cable system could produce up to $200,000 per year in revenues for the town.

Only a few municipal systems exist at the present time, mostly in small communities which already operate municipally-owned utilities. In Massachusetts, as of December, 1973, six communities had franchised municipal systems, but none had begun construction. Most municipal utilities have reduced power costs to their residents, so they are a good indication of how successful municipally-operated cable might prove to be.

The best known municipal system is in Frankfort, Kentucky, a city of just over 9,000 households. The system is owned by the Electric and Water Plant Board but is operated by an autonomous non-profit corporation, Community Service, Inc. Community Service presently charges subscribers $5 for installation and $2.50 per month—one of the lowest rates in the country. Yet it has upgraded its system, paid off its debts, and produced a surplus which it contributes to local charities. Like most small town systems, it does not offer extensive services. It carries 12 over-the-air channels and does minimal local origination. However there are plans to increase channel capacity and add two-way service; the improvements will be paid for out of revenues.

Although municipal ownership is presently a small-city phenomenon, some larger cities are also considering it, including Palo Alto, California, and Detroit.

Public ownership of cable is bitterly opposed by the private cable industry and by the Nixon administration's Office of Telecommunications Policy. Some minority group representatives also oppose it because of fear that municipal or regional systems might be used to avoid minority ownership and control.

Bonding. Financing municipal ownership is a major problem. The usual method is through issuing bonds. Bonds are basically IOU's given to people who loan money to the city or town. Since municipal bonds pay less interest than commercial loans, a city or town can borrow money "cheaper" than can a private enterprise. (Investors will accept the lower interest because they do not pay taxes on income from municipal bonds.)

STATUS
OF U.S. CABLE SYSTEMS
JUNE, 1973

Total systems operating	3,032
Communities served	6,039
Franchised, not operating	1,645
Applications pending	2,206
Communities with applications pending	1,165

(Source: *Television Factbook*, 1973-4)

There are two kinds of bonds which could be used for financing cable. General obligation bonds are backed by the taxing power of the city and state. If they cannot be paid off from system revenues, they have to be repaid from the city's general funds. Most communities prefer not to use general obligation bonds since they might necessitate a tax increase.

Revenue bonds on the other hand, would be backed only by the revenues of the cable system. If it made money, the bondholders would be paid off, but if it lost money, the taxpayers would *not* have to bail it out. Most experts prefer revenue bonding for cable. At the present time, however, Massachusetts allows cities and towns to use only general obligation bonds to build cable systems.

Operations. In the simplest form of municipal ownership, the city would own and operate the system directly, as a city agency or department. Many people object to this, because they feel city government lacks the experience, time and sensitivity to fairly administer a major communications medium. Other alternatives have been suggested.

The system could be run by a special public authority. The appointed authority recommended in the Detroit report would consist of local residents representative of the population of the city. Community groups who have had bad experiences with unresponsive public authorities like the Massachusetts Port Authority are skeptical of such arrangements.

Operation of the system could be contracted out, either to a private operator or to a non-profit community corporation. The municipality might be subdistricted and management could be contracted to several different commercial or non-profit operators.

INSTITUTIONAL AND COOPERATIVE OWNERSHIP

Systems could also be owned and/or operated by non-commercial institutions such as universities, museums and so on or by a consortium of such institutions. The system in Vincennes, Indiana is owned by a local college. It is not clear how such systems would get financing, but there might be a possibility of foundation funding.

A few systems, especially in rural areas, are subscriber cooperatives—that is, they are owned by their subscribers. Most such systems are in towns which already had cooperatively-owned electrical plants. While there has been some interest in this form for urban areas, no new cooperative systems have appeared. Cooperatives would require a substantial investment by each future subscriber. Since many people are skeptical of cable, this might be hard to get. It might also discriminate against the poor, who would not have the initial payment.

Several functions are involved in owning & operating a cable system: building the physical plant, actual ownership, providing basic broadcast service, producing additional programming, and so on. Different entities could be involved at each of these stages, and a community might utilize any one of several mixtures. The Detroit proposal, for example, called for municipal ownership, but operation would be contracted out to one of several authorities. In addition, strong cable district boards would be formed to produce community programming and facilitate access.

RECOMMENDATIONS

- Community groups should try to maximize community control over system operations, to guarantee free and viable public access, and to safeguard against invasions of privacy. Groups should set goals in terms of these issues and others and *then* decide what form of ownership will be best.

- Local businesses may be no more responsive to community needs than national companies; they may well be less responsive, since the economic restrictions on them are more severe. A locally-owned system should be required to meet the same standards as a wealthy MSO. Community organizations should also protect their integrity as representatives of the community they belong to. They should be cautious of identifying with any particular local company, since they would then become associated with its abuses or failings.

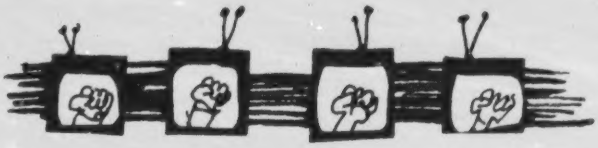
- Dividing large cities into several cable districts is probably a good idea regardless of the form of ownership. This will allow community groups to increase their involvement in the regulation and operation of the system.

- Forming a community development corporation (CDC) can be risky. It requires enormous commitments of time and energy, usually at the expense of community organizing. It creates serious hazards both of failure and of cooptation, and it risks pitting the group against the rest of the community. Politically, most groups may be better off organizing opposition to a commercial operator. Only well-organized groups with large constituencies should consider CDC's, and even they are taking a chance. The realities of financing severely limit the amount of control that can be achieved. (Some experiences that community groups have had in financing *housing* this way are discussed in a booklet, *The Empty Promise: Community Housing Development Corporations*, available from UPA.)

- Municipal ownership can keep some of cable's economic benefits in the community, and groups should seriously consider it for this reason. However, municipal ownership does not guarantee community control or a good system. Much depends on the political responsiveness of municipal government, and on separating control and operation of the system from ownership.

- Ownership by a non-commercial institution might have some of the same advantages and disadvantages of municipal ownership. The community's evaluation of the institution involved is important, as is the institution's willingness to surrender control of the system to the community.

The strongest tool any community group has is the commitment of its members and its political power. Groups should not commit themselves to any plan which dilutes or threatens their political organization.



THE NIXON—WARNER CONNECTION?

Cable Report, edited by Jerrold Oppenheim of the Illinois Civil Liberties Union, has been keeping track of the cozy relationship between the Nixon Administration and Warner Communications Corp., the nation's number-two cable operator:

- On September 28, 1973, the Finance Committee to Re-Elect the President revealed a previously secret contribution of $137,056 from Ted Ashley, chairman of Warner's executive committee. There was also a $50,000 contribution from Andre Meyer, senior partner in Lazard Freres, an investment banking firm; another partner, Robert Ellsworth, is on Warner's Board of Directors. Ellsworth had previously been a Nixon administration military advisor.

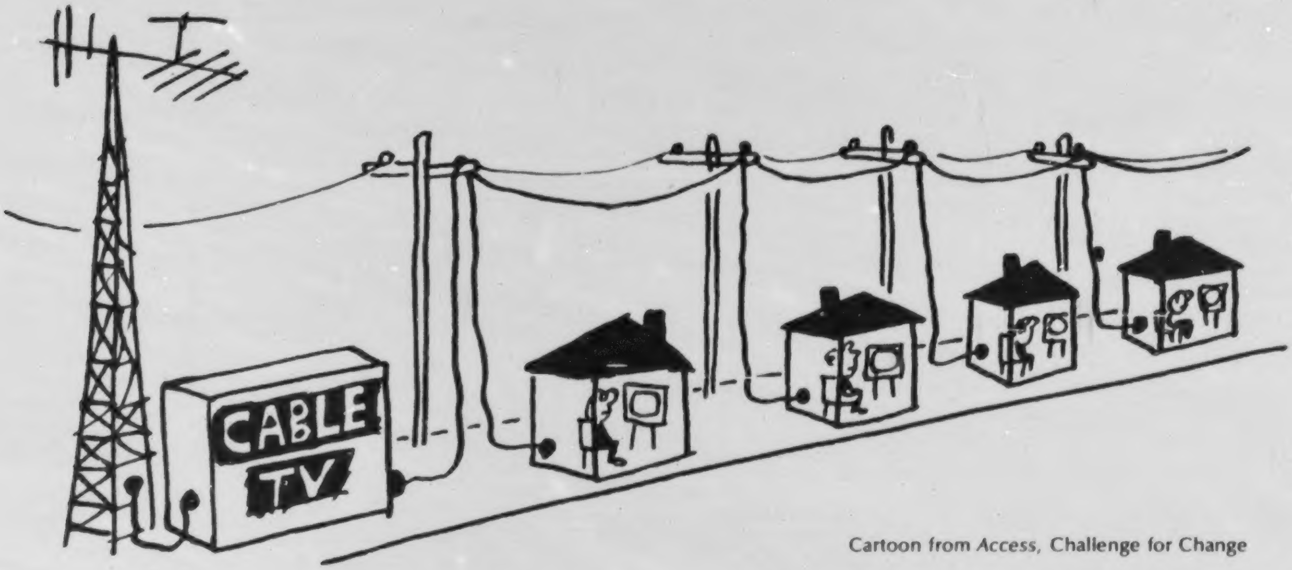
- Late in 1972, the Justice Department blocked a merger of Cox Cable Communications Corp. with American Television and Communications Corp. They would have become the second largest MSO, and the Justice Department objected that this would reduce competition. Only a couple of months earlier, Warner merged with Cypress Communications Corp., and the Justice Department didn't say a word. The merger made *Warner* the second biggest operator. As a matter of fact, Warner, has grown to its present position in the industry almost entirely through mergers since 1971. Previously it had no cable operations at all.

- A year before the Warner-Cypress merger, Cypress hired Richard Nixon's and then Attorney-General John Mitchell's former law firm, Mudge, Rose, to handle a stock issue.

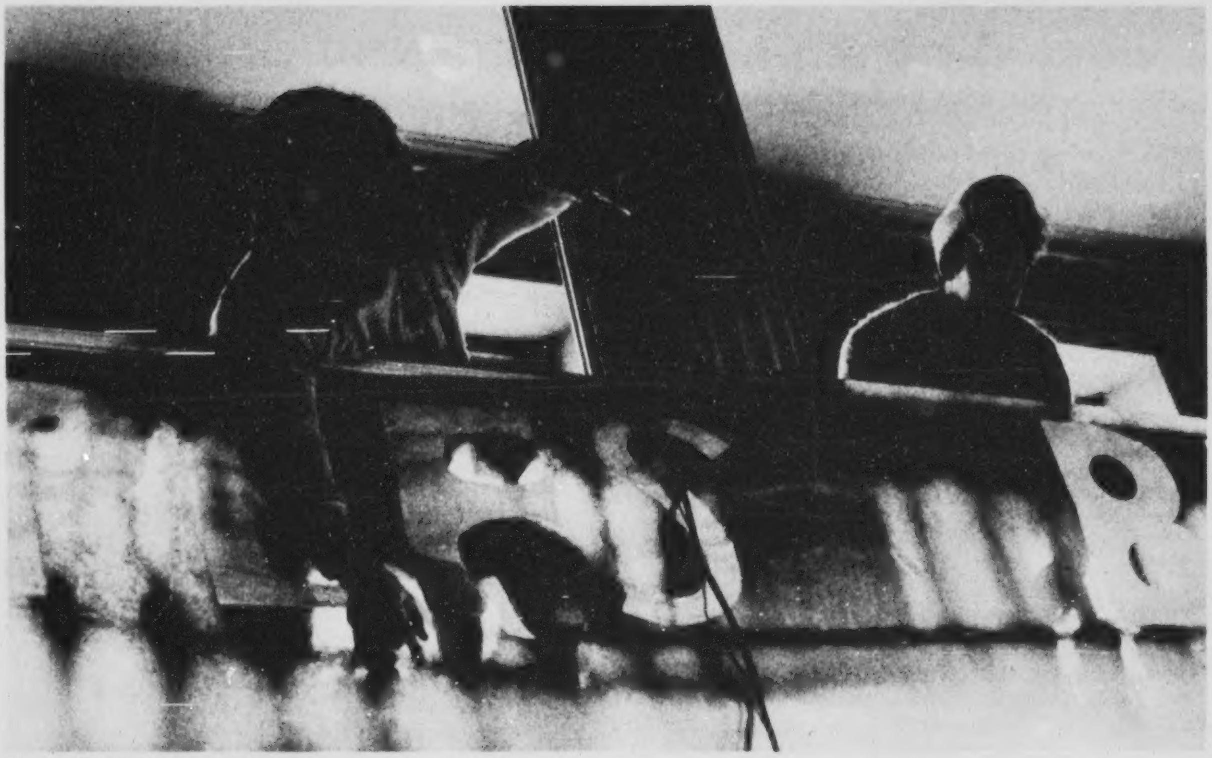
- Shortly before Ellsworth was elected to the Warner Board, Nixon's Office of Telecommunications Policy attempted to engineer substantial federal funding for experimental projects at Warner's Akron, Ohio, system.

- The FCC has routinely approved applications for Certificates of Compliance from Warner systems in Massachusetts, despite local objections and irregularities in the franchises. (Information from *Cable Report*, November, 1972; July, 1973; October, 1973.)

Is there also a Nixon-TelePrompTer connection? Nixon's fondness for TPT's major stockholder, Howard Hughes, is well known. The FCC's recent decision to open up the domestic communications satellite field to private corporate development (a decision backed by Nixon's Office of Telecommunications Policy) has benefitted Hughes Aircraft Corporation, the major builder of communications satellites. TelePrompTer plans to use these satellites to interconnect TPT's cable systems around the country.



Cartoon from *Access*, Challenge for Change



Somerville Media Action Project

Somerville Media Action Project

7

GOVERNMENT REGULATION OF CABLE TELEVISION

Licensing and operation of cable television systems are regulated by federal, state and local government. The local franchising process offers the greatest opportunities for public participation. However it is also important to know about the federal and state regulations which set requirements that local franchises must meet, and outline procedures that must be followed for a franchise to be legal.

Sometimes cable companies—or local governments for that matter—fail to meet the requirements of federal or state laws, either in the way they apply for or grant franchises, or in the way they operate their systems. If you know what the law requires, your group can demand that the company and the city live up to the legal standards. In cases of serious noncompliance, you may be able to use the laws to get the franchise thrown out or amended, although this is likely to be difficult.

You would think that government regulating agencies would enforce their own rules, but in many cases they don't. This may be because they don't have enough money or staff to keep track of every franchise. More often it is because the regulatory agencies tend to favor the interests of the industry they regulate. Often an agency will overlook a company's lack of compliance rather than rock the boat—unless they start to get a lot of pressure from citizens.

REGULATION BY THE FEDERAL GOVERNMENT

A number of federal agencies deal with cable television at some time or other, but three are of continuing importance: Congress, the Office of Telecommunications Policy, and the Federal Communications Commission. The first two are involved in working out long range policy, while the FCC deals both with policy and with day-to-day activities of communities and their cable systems.

CONGRESS

In 1934, Congress passed the first Communications Act, which assigned responsibility for interstate communications to the Federal Communications Commission "to make available...to all the people of the United States a rapid, efficient, Nationwide and world-wide wire and communications service with adequate facilities at reasonable charges. . ." The FCC's authority to deal with cable television derives from this act and its amendments. Congress can further modify the Communications Act, and can act in other areas where *legislation* is needed to clarify or determine an issue.

THE WHITE HOUSE OFFICE OF TELECOMMUNICATIONS POLICY

The OTP is a creation of the Nixon administration and generally represents an attempt to preempt the policy-making functions of Congress and the FCC. The OTP cannot pass laws, but it makes policy recommendations, lobbies for legislation and can pressure the FCC to move in directions the administration favors. OTP director Clay Whitehead was instrumental in getting the broadcasting, motion picture and

cable industries to agree on a set of cable regulations, and in persuading FCC Chairman Dean Burch, a Nixon appointee, to write the compromise agreement into the FCC's cable rules.

Whitehead also chairs a cabinet-level Committee on Cable Television. On January 16, 1974, the OTP released the Committee's report to President Nixon. It recommended:

- separation of cable ownership from ownership of programming; a system owner could use only two channels, one for local origination and one for listing programs;
- elimination of federal regulation, including the rules on balance, fairness and equal time for candidates;
- elimination of public service requirements, except one channel for public access use;
- elimination of restrictions on pay-cable;
- elimination of restrictions on media cross-ownership; TV networks and broadcast stations could own cable systems;
- some privacy safeguards.

Although the proposal would require owners to lease their channels on a common-carrier basis, it opposed any regulation of rates or profits. Whitehead announced that the Nixon administration will introduce legislation to put the proposals into effect, but no immediate action is expected. If enacted, the plan would take effect when 50% of all households are on cable, and there would be a transitional period of 5 years.

THE FEDERAL COMMUNICATIONS COMMISSION

The FCC is the main government agency dealing with cable. It issues rules and guidelines which all communities and cable systems must follow.

The authority of the FCC over cable is based on its authority to regulate broadcasting, at least in part. The FCC must grant a "Certificate of Compliance" to a cable company before the system can carry the signals of broadcast stations. Since cable systems need broadcast programming to attract subscribers this means, in effect, that a system cannot operate without FCC approval.

Although the FCC is responsible to Congress, the Commissioners are appointed by the President, and serve seven-year terms. There is plenty of room for White House influence over the FCC. President Nixon has appointed four of the seven Commissioners and now has three additional vacancies to fill. (Chairman Burch left the FCC in early 1974 to become a White House adviser. He was replaced by Commissioner Richard Wiley.) When Commissioner Robert Lee's term expires in June 1974, Nixon—if he is still around—will be able to fill the FCC with his own appointments. By law, no more than four of the Commissioners can be of the same party. However, Nixon's first "independent" appointment, black Judge Benjamin Hooks, is a conservative, and the President's proposed appointee to fill the seat of liberal Democrat Nicholas Johnson is James Quello, a Detroit broadcaster who is a nominal Democrat but contributed to Nixon's reelection campaign.

Like many federal regulatory agencies, the FCC often seems more interested in protecting the businesses it regulates than defending the public interest.

FCC CABLE REGULATIONS

The basic federal rules that cable systems operate under are set out in the "Report and Order" adopted by the FCC on February 2, 1972 (effective March 31, 1972) and the "Reconsideration" of June 16, 1972 (effective July 14, 1972). The following is a guide to important parts of the federal rules. The numbers following each heading indicate the section of the rules referred to, in case you want to look it up. (see the bibliography for how to get the full text.)

Definitions (76.5). In this section the FCC defines technical, legal and other terms used in its regulations. Among other things:

- The FCC regards each city or town served by cable facilities as a separate system, even if there is a single headend or cable network, or a single system owner, serving several municipalities.
- Cablecasting is any programming other than off-the-air broadcast signals carried on a cable system.
- Origination Cablecasting is any such programming that is under the control of the system operator.
- Access Cablecasting is any such programming carried on public access, education or government channels, or on leased channels.

Special Relief (76.7). Here are the FCC procedures to deal with requests for exemptions from the rules, or complaints and disputes it must rule on. Decisions in these cases are supposed to be based on what best serves the "public interest."

Complaints and requests for variances can be made by cable operators, franchising authorities, broadcasters, or any "interested person." Others have a right to reply within 30 days. (See page 83 for suggestions on how community groups can take advantage of these rules.)

Applications and Certificates of Compliance (76.11 to 76.27). No system can carry broadcast signals until it gets a certificate of compliance from the FCC, by application procedures set out in this section. The FCC gives public notice when it receives applications, and there is an opportunity for objections to be filed. A system that was already carrying TV signals before March 31, 1972, doesn't have to get a certificate until March 31, 1977, or until its franchise runs out, whichever is first; however, if it wishes to add new broadcast signals, it must then get a certificate.

- The certificate is only valid for the length of the original franchise. If the franchise is renewed, a new certificate of compliance must be obtained.
- The application must include a copy of a franchise from the local issuing authority giving the applicant permission to build and operate a cable system. It also has to have a statement that shows how the franchise and the system's "plans for availability and administration of access channels and other nonbroadcast cable services" are consistent with FCC regulations.
- A copy of the complete application must be sent to the issuing authority, and must be available for public examination in the office of the applicant and at the FCC. The company must also make sure the application is available for inspection *in the community*—at the office of the issuing authority or some other place such as a public library.

Franchise Standards (76.31). To get an FCC certificate, a system's franchise has to be consistent with the standards set out here.

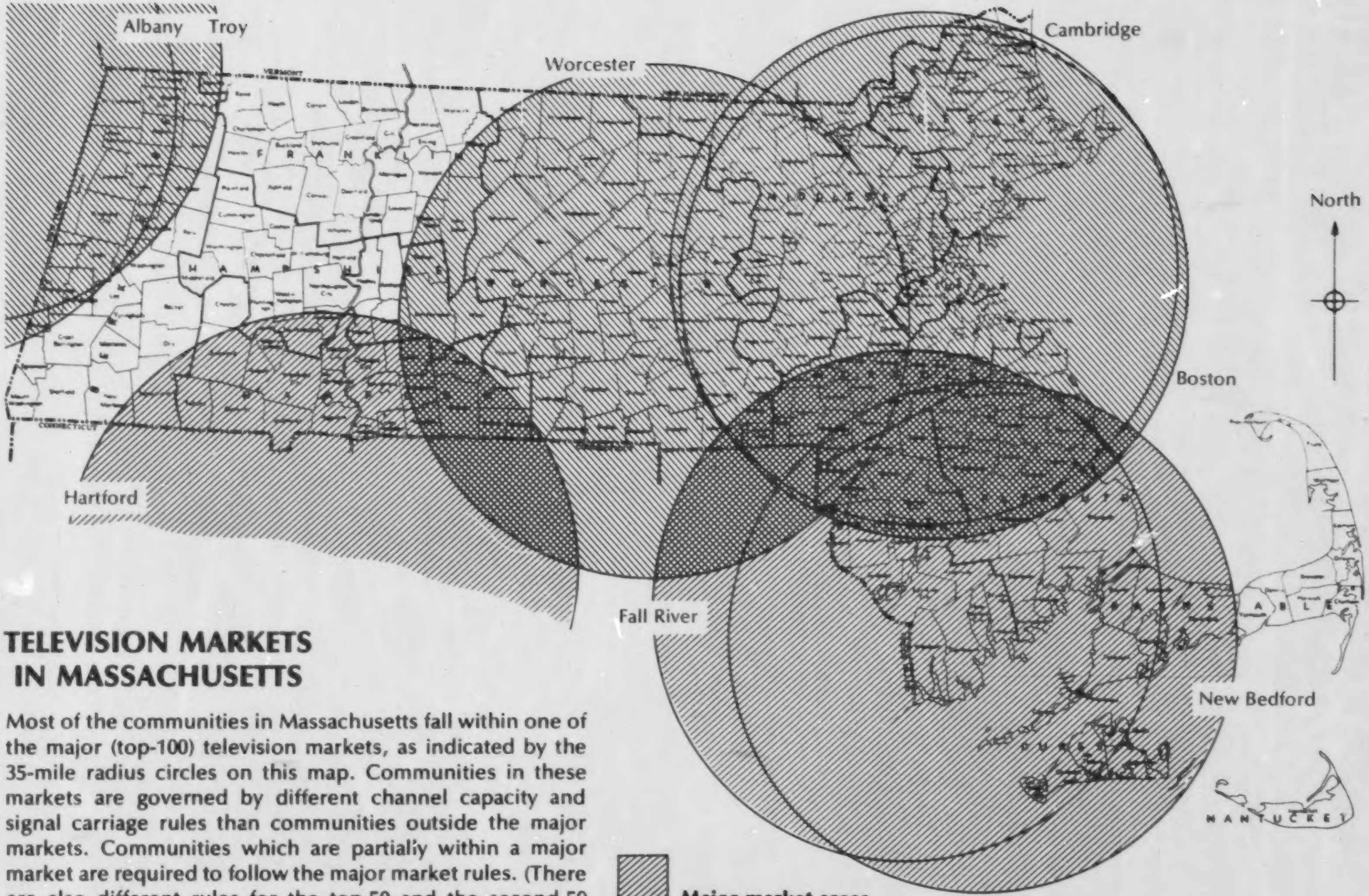
- The qualifications of the proposed owner/operator, and the plans proposed, must have been approved by the local authority "as part of a full public proceeding affording due process." This is not defined any further unfortunately.
- The franchisee must accomplish "significant" construction of the system within one year after getting a certificate, "and shall thereafter equitably and reasonably extend energized trunk cable to a substantial percentage of its franchise area each year, such percentage to be determined by the franchising authority.

The Commission does not define how much is "significant" construction, and it doesn't give any definite standard for "equitable and reasonable" expansion, but in the report accompanying the regulations it did say, "A plan that would bring cable only to the more affluent parts of a city, ignoring the poorer areas, simply could not stand. No broadcast signals would be authorized under such circumstances." The question of whether and how to divide a city into smaller franchise areas is left to the local authority.

The requirement for "substantial" expansion each year is meant to prevent operators from getting franchises on speculation and doing only minimal construction. The FCC recommends, *but does not require*, expansion at a rate of at least 20% per year. Local franchising authorities can require a faster construction schedule.

- The franchise cannot be for longer than 15 years without special FCC permission. Renewal periods "shall be of reasonable duration." Franchises *can* be *less* than 15 years.

Somerville Media Action Project


Albany
Troy
Worcester
Cambridge
North
Boston
Hartford
Fall River
New Bedford
FRANKLIN
HAMPSHIRE
WORCESTER
MIDDLESEX
BARNSTABLE
NANTUCKET

▨ **Major market areas**

▩ **Overlapping markets**

☐ **Areas outside the major markets**

TELEVISION MARKETS IN MASSACHUSETTS

Most of the communities in Massachusetts fall within one of the major (top-100) television markets, as indicated by the 35-mile radius circles on this map. Communities in these markets are governed by different channel capacity and signal carriage rules than communities outside the major markets. Communities which are partially within a major market are required to follow the major market rules. (There are also different rules for the top-50 and the second-50 markets, but all the major markets affecting Massachusetts are in the top-50.)

This map gives only a general indication of the markets affecting Massachusetts; it is not precise. Communities near the edges of market areas should check with the FCC or state Commission to be sure which rules apply to them.

- The franchise must say what rates will be charged for installation and service, and state that these cannot be increased except with the approval of local government, "after an appropriate public proceeding affording due process."
- It must specify procedures for investigating and resolving complaints about service, equipment, etc., and the company must have a local office or agent for that purpose.
- Changes in FCC rules must be included in the franchise within one year or at franchise renewal time, whichever is first.
- The FCC opposes the use of fees from cable operations as a source of revenue to the municipal government, on the grounds that high fees may impose an excessive burden on cable systems, and because, "The ultimate effect of any revenue-raising fee is to levy an indirect and regressive tax on cable subscribers." They recommend that fees be set to cover only the necessary cost of administering the local franchise. The regulations require that such fees be "reasonable"—in the range of 3-5% of gross subscriber revenues; if the local authority wishes to charge more than 3%, it must show the FCC that this is "reasonable," and justified by specific plans for using the money.

Many groups feel that 3% is too little to support realistic regulation, and is an unfair limitation on the community's right to charge for the use of its streets. The FCC, however, is not likely to change this rule soon. The extra 2% sometimes allowed may be important to communities figuring out how to finance a community cable board, extensive access facilities or other innovations. The FCC will consider allowing a 5% fee in such cases, but the franchise applicant *and* the issuing authority must request permission.

According to the FCC Cable Bureau chief, communities cannot charge fees based on revenues from other operations besides installations and monthly subscriber fees, (such as pay-TV, advertising, channel leasing, etc.) However, this ruling may soon be tested before the full commission.

Carriage of Television Broadcast Signals (76.61 to 76.65). In this section, the Commission sets out rules governing what broadcast television signals a cable system may or must carry. The rules differ depending on the size of the television "market" which a community is in. A television market is defined as the area within 35 miles from a community having a licensed commercial TV broadcast station. A community is considered to be within a given market if *any part* of the community is located within the 35-mile zone. Markets are ranked according to the number of television viewing households in the market, and the FCC has set out special rules for the 50 largest and the second 50 largest markets.

- In New England the major (top 100) markets are:

#1 — New York, N.Y./Linden-Patterson, N.J. (affects many Connecticut communities)
#6 — Boston/Cambridge/Worcester, Mass.
#19 — Hartford/New Haven/New Britain/Waterbury, Conn. (affects many central Massachusetts communities, including Springfield.)
#33 — Providence, R.I./New Bedford, Mass.
#34 — Albany/Schenectady/Troy, N.Y. (affects part of western Mass.)
#75 — Portland/Poland Spring, Maine

The regulations on what TV signals a cable system can carry are summarized below. If a community falls in two markets of different sizes its system must follow the rules for the *larger* market.

- *Top 50 markets.* Systems may carry (*must* carry if requested by the owner) the following:

1) All TV stations located in the same market.

2) Noncommercial educational stations which serve the community.

3) TV translator stations.

4) Stations that are "significantly viewed" in the community (as defined by a survey and specified in the FCC regulations.)

5) Additional signals needed to provide stations of each of the three major networks, plus three independent stations. The FCC sets out priorities by which additional stations must be selected.

6) Two additional independent stations *minus* the number, if any, added under the preceeding paragraph. The same criteria for selection apply.

7) Any noncommercial educational stations.

8) Any non-English language stations, from anywhere.

- *Second 50 Markets.* The same regulations apply as for the first 50, except that paragraph 5 allows stations of each of the three networks plus *two* independents, instead of three.
- *Smaller Markets.* The same regulations apply, except that paragraph 5 allows stations of the three networks plus only *one* independent, and paragraph 6 does not apply—*no* extra signals can be added. In addition, the system can carry stations located in other smaller markets if its community is within their service area.
- *Systems outside all Markets* may carry any stations.

A system does not have to eliminate any signals it was already authorized to carry or lawfully carrying before March 31, 1972.

Program Exclusivity (76.91 to 76.159). Stations carried by a cable system are given priority based on how near they are to the community involved. A local or nearby station has higher priority than a more distant station.

- Cable systems must protect higher priority stations against simultaneous duplication of their programming by a lower priority station. For example, if a system carries two CBS affiliated stations and both broadcast the CBS Evening News at the same time, the cable system must "black out" that program on the lower priority station.
- Cable systems cannot carry any *syndicated* programming if a broadcast station in the same market has exclusive exhibition rights for those programs.
- When a system has to black out programs for either of the reasons above, it may substitute a program from any station.

Cablecasting (76.201 to 76.225).

- *Origination Cablecasting.* A system which has 3,500 or more subscribers must "operate to a significant extent as a local outlet by origination cablecasting" and must have facilities for producing local shows, "other than automated programming." (Local programs can't be just a camera pointed at a clock and thermometer, as it has been in the past in some places.) There must be one or more channels completely devoted to programming by the system operator. This requirement has been contested by cable operators but has been upheld in the federal courts. However, the head of the FCC's Cable Bureau is considering revising the regulation to require local origination only on systems of *10,000* subscribers or more and to exclude systems operating before 1970.

The Cable Bureau has issued an opinion that communities with systems *smaller* than 3,500 subscribers may *not* require local origination. Smaller communities may wish to challenge this ruling before the full FCC.

A cable system located outside the major TV markets cannot make any deals regarding the use of its equipment and facilities "which prevents or inhibits the use of such facilities for a substantial portion of time (including the time period 6-11 p.m.) for local programming designed to inform the public on controversial issues of public importance."

- *Cablecasts by Political Candidates.* The Commission sets out rules governing political campaign programming. Basically these are requirements that all candidates get equal time at equal rates.
- *Fairness Doctrine, Personal Attacks, Political Editorials.* These are generally the same rules as for broadcast TV. A cablecaster has to allow discussion of all sides of an issue. A person who is attacked has to be notified and given a chance to reply. If candidates are attacked in an editorial they have to have an opportunity to answer. (These rules apply to the operator's origination channels; there are other rules for the access channels.)
- *Lotteries.* Not allowed.
- *Obscenity.* Not allowed.
- *Advertising.* A cablecaster may have advertising on locally programmed channels, but it must come at the beginning and end of the programs, or at natural breaks. Sponsors or anyone elese paying for or supporting programs must be clearly identified.
- *Per-Show or Per-Channel Charges (Pay TV).* Programs which are specially charged for cannot include feature films more than two years old, sports events which have in the past been broadcast live in the community, or series programs.

Minimum Channel Capacity (76.251). Systems operating in the major (top 100) markets must meet the following requirements: Channel capacity must equal at least 20 broadcast TV channels. For every channel used to carry broadcast TV signals, one equal channel must be available for other uses (on a 20-channel system, only 10 channels could be used for broadcast signals; the other 10 would be for cablecasting or other uses.) Potential capacity for at least non-voice (digital) two-way communications must be provided.

The regulations say these are minimum requirements, but the FCC is presently interpreting them as maximums. If a community wants *greater* channel capacity it must show the FCC "the need for such channel capacity and the system's ability to provide it." If the community wants a more sophisticated form of return capacity (voice or video) it must prove it "has a plan for actual use of a more sophisticated two-way capability," and the system operator will have to agree the plan is technically and economically practi-

CHANNEL CAPACITY OF U.S. CABLE SYSTEMS JUNE, 1973

Over 20	207
13 to 20	262
6 to 12	2,181
5 only	287
under 5	49
not available	46
TOTAL	**3,032**

(Source: *Television Factbook*, 1973-4)

cal. Indications are that if a franchising authority *and* the applicant agree, the FCC will probably go along.

Communities outside the major markets may enact their own requirements but these cannot be greater than those required in the major markets.

Access Channels (76.251).

- *Public Access Channel.* In the major TV markets, "each such system shall maintain *at least* one specially designated, noncommercial public access channel available on a first-come nondiscriminatory basis. The system shall maintain and have available for public use *at least* the minimal equipment and facilities necessary for the production of programming for such a channel." Use of one of these channels must always be provided free. Production costs for live, studio presentations of less than 5 minutes must be free.

Other production costs may be charged for, but "such production costs and any fees for use of other public access channels shall be consistent with the goal of affording the public a low-cost means of television access." The Commission also stated in its report:

> Our goal of creating a low-cost, nondiscriminatory means of access cannot be attained unless members of the public have reasonable production facilities available to them. We expect that many cable systems will have facilities with which to originate programming that will also be available to produce program material for public access. . . In any event, we are requiring that the cable operator maintain within the franchise area production facilities for use on the public access channel.
>
> In this experimental stage, it would be self-defeating to require cable systems to carry access programming and at the same time meet stringent technical standards. . .the use of *half-inch video tape* is a growing and hopeful indication that low-cost recording equipment can and will be made available to the public. . . since it provides an inexpensive means of program production, we see no reason why technical development of this nature should not be encouraged for use on cable systems.
>
> Elaborate suggestions have been made for comprehensive community control plans such as neighborhood origination centers and neighborhood councils to oversee access channels. Here again the Commission will encourage experimentation.

- *Education Access Channel.* There must be at least one channel "for use by local educational authorities" provided free for at least the first five years.

- *Local Government Access Channel.* There has to be at least one channel for use by local government, also free for the first five years.

On the Public, Education and Government access channels, there can be no advertising (including political ads), lotteries or obscenity. A record showing the names and addresses of people and groups requesting access must be kept for 2 years.

Once again, although the regulations say "at least," the FCC has been ruling that local authorities cannot require more access channels than specified unless they show the FCC that extra channels "are necessary and capable of being used according to an existing viable plan." Likewise, a municipality apparently cannot require a system to provide all access service free, but the FCC will consider plans for providing extra channels free or at reduced cost "on an experimental basis." Some people argue that for the FCC to limit the number of access channels that may be required is an unconstitutional restriction of freedom of speech and the press, but this interpretation has not been tested yet.

Local authorities outside the major markets *may* require access channels, but only up to the limits set for the major markets.

- *Leased Access Channels.* Other available channels must be operated on a leased (rented) basis. On at least one leased channel priority must be given to part-time users. Leased channels may carry advertising. The system must establish rate schedules setting out the cost of renting channel time.

- *Expansion of Access Channel Capacity.* Whenever all the access and leased channels are in use 80% of the time (by a formula set out in this section) the system will then have 6 months to add an additional access channel.

- *Program Content Control.* The operator has no control of programming on the access channels except to make sure it conforms to the rules against advertising, lotteries and obscenity. (System operators often argue that they must be able to control programming because they would be responsible in any case of libel, slander etc. In its report, the FCC says that the operator *cannot* be held responsible, and therefore has no right to control content.)

- *Operating Rules.* The FCC noted "the need to decide how applications for access time are to be made, what overall time limitations might be desireable, how copyrighted material will be protected, how production facilities will be provided, how the public can obtain advance notice of presentations, and so on. We will require that the rules adopted by cable systems be filed with us and made available to the public." The cable system operator is responsible for setting up operating rules for the access channels. No "local entity" (the issuing authority) is permitted to set rules about the number or operation of access channels.

Channel capacity and access rules do not apply to systems operating before March 31, 1972; but if such systems add any broadcast signals, they must also add one access channel for each broadcast channel, in this order: public, education, government, leased.

General Operating Requirements/Forms and Reports (76.301 to 76.406). These sections deal with various record-keeping requirements, forms and reports, and fees to the FCC.

Diversification of Control (76.501) Cable television systems may not directly or indirectly own, operate, control or have any interest in a national TV network, or a local TV station in the area served by the system. (Previous rulings also forbid ownership of cable systems by telephone companies operating in the same

Technical Standards (76.601 to 76.617). This section contains the technical performance standards cable systems must meet. Local authorities may enact tougher standards. However, the FCC will only be responsible for enforcing its own standards.

Radio Signal Carriage. The FCC is currently deciding what radio signals a cable system can carry. It has issued a proposed rule, which is in effect until the final decision: In cities of less than 50,000 people which have a local radio station, no radio signal can be brought in from further than 75 miles. In any community, a cable system must first carry all local radio stations before it can bring in additional stations from outside.

Significantly Viewed Television Stations in Massachusetts

This table lists the television station signals which the FCC considers to be "significantly viewed" in each county. It is taken from the FCC regulations.

County	Call letters, channel number and market name		
MASSACHUSETTS			
Barnstable*	WBZ	4	Boston.
	WHDH	5	Do.
	WNAC	7	Do.
	WTEV	6	Providence.
	WJAR	10	Do.
	WPRI	12	Do.
Berkshire	WRGB	6	Albany-Schenectady-Troy.
	WTEN+	10	Do.
	WAST	13	Do.
	WTIC	3	Hartford-New Haven.
Bristol	WTEV	6	Providence.
	WJAR	10	Do.
	WPRI	12	Do.
	WBZ	4	Boston.
	WHDH	5	Do.
	WNAC	7	Do.
	WSBK	38	Do.
	WKBG	56	Do.
Dukes	WTEV	6	Providence.
	WJAR	10	Do.
	WPRI	12	Do.
	WBZ	4	Boston.
	WHDH	5	Do.
	WNAC	7	Do.
Essex	WBZ	4	Do.
	WHDH	5	Do.
	WNAC	7	Do.
	WSBK	38	Do.
	WKBG	56	Do.
Franklin	WWLP+	22	Springfield, Mass.
	WHYN	40	Do.
	WBZ	4	Boston.
	WHDH	5	Do.
	WTIC	3	Hartford-New Haven.
Hampden*	WWLP+	22	Springfield, Mass.
	WHYN	40	Do.
	WTIC	3	Hartford-New Haven.
	WNHC	8	Do.
	WHNB	30	Do.
Hampshire	WWLP+	22	Springfield, Mass.
	WHYN	40	Do.
	WTIC	3	Hartford-New Haven
Middlesex	WBZ	4	Boston.
	WHDH	5	Do.
	WNAC	7	Do.
	WSBK	38	Do.
	WKBG	56	Do.
Nantucket	WTEV	6	Providence.
	WJAR	10	Do.
	WPRI	12	Do.
	WBZ	4	Boston.
	WHDH	5	Do.
Norfolk	WBZ	4	Do.
	WHDH	5	Do.
	WNAC	7	Do.
	WSBK	38	Do.
	WKBG	56	Do.
Plymouth	WBZ	4	Do.
	WHDH	5	Do.
	WSBK	38	Do.
	WKBG	56	Do.
	WNAC	7	Do.
	WTEV	6	Providence.
	WJAR	10	Do.
	WPRI	12	Do.
Suffolk	WBZ	4	Boston.
	WHDH	5	Do.
	WNAC	7	Do.
	WSBK	38	Do.
	WKBG	56	Do.
Worcester	WBZ	4	Do.
	WHDH	5	Do.
	WNAC	7	Do.
	WSBK	38	Do.
	WKBG	56	Do.
	WJAR	10	Providence.
	WPRI	12	Do.
	WSMW	27	Worcester.

REGULATION BY THE STATE

Despite vigorous industry opposition, an increasing number of states are acting to regulate the growth and operation of cable systems. Connecticut, Vermont and Rhode Island have placed responsibility for cable under their public utilities departments. Massachusetts is one of the few states to establish a separate agency to deal with cable. The Massachusetts Cable-TV law was signed by Governor Sargent in November, 1971. Although it left franchising power in the hands of local communities, it set up broad guidelines which communities must follow in licensing a cable operator. It also set up a seven-member Massachusetts Community Antenna Television Commission responsible for approving local franchises and dealing with other cable issues.

MASSACHUSETTS CABLE LEGISLATION

The 1971 legislation is officially referred to as Chapter 1103 of the Acts of 1971. Section 1 of this Chapter creates a new part of the state's laws, Massachusetts General Laws, Chapter 166A, "Community Antenna Television Systems."

Definitions. Section 1 defines terms that are used in the law. Some of these are:

- *Issuing Authority.* Who has the legal authority to grant a cable franchise? Under the new law, it is the city manager of a city with a so-called plan D or E charter, the Mayor of any other city, or the Board of Selectmen of a town. If in doubt about the form of government your community has, call the city or town clerk. The present law removes all franchising authority from the City Councils and Boards of Aldermen. A bill to give these bodies veto power over franchises was defeated in the 1972 legislature.
- *Licensee.* A cable license cannot be granted to a television station, or to a newspaper for a community in its circulation area.
- *Area or areas to be served.* Franchises can be granted for a whole city or town, or the municipality may be subdivided in such a way as to "reflect . . . the various economic, cultural, geographic and community interests of the citizens."

Establishment of the State CATV Commission. Section 2 authorizes creation of a Community Antenna Television Commission in the Executive Office of Community Affairs, to consist of seven members appointed by the Governor. Commissioners serve for the same term as the Governor, so each newly-elected Governor can appoint a new Commission.

The Commission must consist of a computer expert, a telecommunications expert, a lawyer, an educator with experience in telecommunications, a member of the state Consumers' Council, a resident of a city with more than 150,000 people, and a resident of a city or town with less than 150,000 people. All must be registered voters in Massachusetts, and no more than four can be of the same political party.

In hearings before the Commission, the state Consumers' Council has the authority to represent the interests of the people of the state.

Franchise Standards. Section 3: No one can build or operate a cable system without a written license from the city or town to be served. The license must be non-exclusive. This means that a community *may* grant more than one license, and may *not* grant a monopoly. However, once a system is built, it generally becomes a monopoly for all practical purposes, since it would be uneconomical for another company to compete. (New Bedford is an exception—having two competing systems under construction at this time.) The license must indicate: the area or areas to be served; the date equipment will be completely installed; the date service will be available; the length of the license, *which cannot be more than 15 years*; and any other conditions required by the Commission.

Franchise Applications. Section 4: The application must be filed on a form prescribed by the Commission, and must indicate who owns the company, their qualifications, and where they are getting the money to build the system. It must also detail the company's operating plans, the services it will offer, number of channels, variety of programs, local coverage, installation and subscription fees, and anything else the Commission requires. (See page 68.)

Additional Franchise Standards. Section 5 sets out other conditions which must be met in any franchise. Among them:

- A cable operator cannot be in the business of selling or repairing TV sets (to avoid conflicts of interest.)
- The operator must provide free cable connections to public schools, police and fire stations, libraries, and other public buildings designated by the issuing authority.
- The operator cannot remove a subscriber's TV antenna but must offer, at cost, a device for switching between cable and regular reception. (In the past,

companies "offered" to take down subscribers' antennas when they connected the cable. If the subscribers later became unhappy with cable service, they were stuck without an antenna.)

- If the operator allows any political candidate to use the system, it has to allow other candidates for the same office to use the system on the same terms. It must allow "reasonable opportunity" for the system to be used to present "contrasting points of view" on "controversial issues of public importance."
- The operator must post a bond to guarantee that it will comply with important parts of the franchise. (The amount of the bond is not specified by law, but is usually $10,000.)
- If the operator's service to any subscribers is interrupted for 24 or more hours, those subscribers must be given a credit or rebate.
- The operator must wire and provide service to at least one-tenth of its franchise area each year. The system must be completed within six years.
- The company must have an office, or at least a telephone connection, in the community.

Public Hearing Requirements. Section 6: Before it can grant a franchise, the issuing authority must hold a public hearing or hearings. Advance notice must be given. After making a decision, the authority must issue a statement on why it accepted or rejected each application, and show how its choice "will best serve the public interest." (The Commission has now issued detailed procedural regulations to be followed in granting a franchise; see page 65.)

Transfer of Ownership. Section 7: Control of a cable license cannot be transferred without approval of the issuing authority, following procedures prescribed by the Commission (see page 68.) This rule is intended to prevent "trafficking" in cable franchises.

Technical Standards. Section 8: The operator must comply with standards set by the FCC *and* the State Commission. The State Commission has not yet set any standards, but has the power to do so. The operator must file certain annual forms with the issuing authority and the Commission (see page 68.)

License Fees. Section 9: A franchise applicant must pay a fee of $100 to the city or town. Each year it holds the license, it must pay the city or town and the state *each* $.50 per subscriber served, but not less than $250. These fees support the work of the state and the community in overseeing cable operations. (A bill to create an 8% tax on the gross income of cable companies has been defeated in the legislature for the past two years.)

The Commission recently (November, 1973) issued an opinion that the $.50 per subscriber specified in 166A is not a minimum but is the *only* license fee municipalities may require—even though the FCC permits up to 3-5% of subscriber revenues. If enforced, this will substantially reduce the amout of money available to the communities.

For example, if the monthly subscriber rate is $5, the yearly fee at 3% would be $1.80 per subscriber; if the rate is $7, 3% would be $2.52. For a system of 5000 subscribers, 3% would mean a yearly fee to the community of $9,000 to $11,600. With a $.50 fee, the community would get only $2,500. The lower fee may make it impossible to support a realistic program of local regulation.

The Commission says its decision only has to do with *license* fees "and does not apply to municipal revenue sources such as real and personal property taxes."

Community groups should protest this decision to the Commission and press for a change in legislation to make a higher fee possible.

Complaints. Section 10: Anyone with complaints about a cable system can file them, in writing, with either the Commission or the issuing authority. (There is no guarantee that either will do anything about the problem.) The operator must file reports every three months listing the complaints it has received.

Revocation of Franchises. Section 11: The issuing authority or the state Commission can revoke a franchise if the operator: makes false or misleading statements or omits important facts in its application or yearly reports; fails to meet bonding and insurance requirements; repeatedly violates the rules about fair treatment of political candidates and controversial issues; fails to meet required technical standards; transfers control of the system without approval of the issuing authority; fails to complete construction of the system in 6 years; repeatedly violates any other obligation in Section 5 of the state rules *or in its franchise.*

Enforcement. Section 12: Both the Commission and the state Consumers' Council can take any legal or court action needed to enforce these state laws or the Commission's regulations, or to prevent "illegal or unauthorized conduct" involving cable operations.

Renewal and Transfer of Franchises. Section 13: Franchises may be renewed for periods of up to 10 years, with the approval of the issuing authority.

A transfer should not be approved if the owner is being paid any amount for the franchise itself (as opposed to actual equipment and facilities.) The franchise is a privilege granted by the community and is not supposed to be bought and sold for profit.

Commission Approval of Franchises. Section 14: Only the local community, through its issuing authority, can grant a franchise. Although the Commission is responsible for making sure franchises comply with state requirements, it generally assumes that local franchises are valid until and unless they are appealed.

The Commission may investigate the licensing or operation of a cable system on its own or if requested to do so by: an appeal filed by an "aggrieved" license applicant, a petition by ten percent of the subscribers who are either taxpayers or registered voters in the cable community, or the Consumers' Council.

After its investigation, the Commission can hold hearings and then either approve the franchise or order the issuing authority to change, suspend or revoke it. The Commission *cannot* order the local authority to *grant* a franchise.

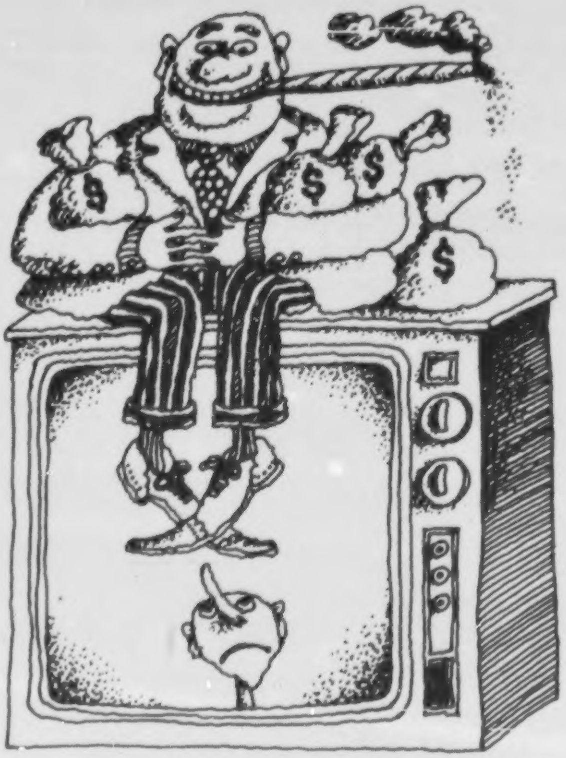
Rate Regulation. Section 15: The Commission is authorized to study rate regulation for three years (until November, 1974.) After holding widely publicized public hearings, it can then set "fair and reasonable" rates for each cable system.

Authority to Issue Regulations. Section 16: The Commission can issue any regulations needed to carry out the purposes of the state law. It also rules on any conflicts arising between cities or towns. The Commission is supposed to represent the people of the state in matters before the FCC.

Authority to Investigate. Section 17: The Commission can investigate, and can subpoena witnesses and information, in connection with enforcing state rules and regulations.

Penalties. Section 18: Anyone who willfully violates the state rules and regulations can be punished by fines up to $1,000 and/or imprisonment of up to six months.

Rules for Public Hearings. Section 19: Hearings held under Sections 14, 15 and 16 of this law have to meet procedural requirements set out in Massachusetts General Laws Chapter 30A. These have to do with publication of notices, kinds of evidence which can be considered, record keeping, and so on. Hearings required under other sections do not have to follow these procedures but must be public. (Section 2A of 166A contains rules about who presides over and makes decisions in Commission hearings.)



Cartoon from *Access*, Challenge for Change

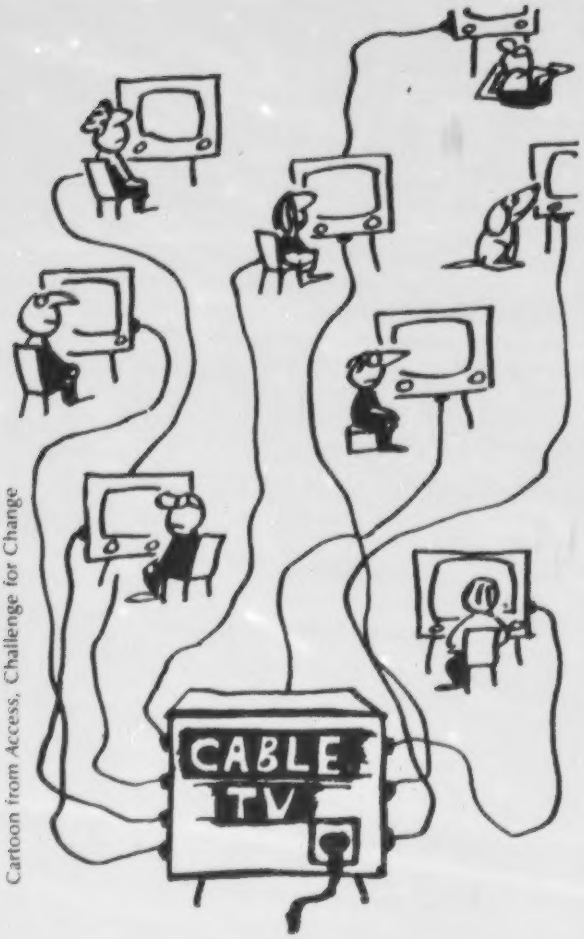
Municipal Ownership. Section 20: Cities and towns can build and operate cable systems themselves, but must meet all requirements of the state law just as if they were private companies.

In 1973, the legislature passed a new law (Acts of 1973, Chapter 933) specifying that cities and towns may finance cable systems through *general obligation bonds*. New legislation may soon be introduced to permit *revenue bonding* for cable systems. (See Chapter 6 for more information on municipal ownership.)

Unathorized Attachments. Section 21 (added by amendment in 1972): No one can attach anything to cables or other parts of a cable system unless authorized by the operator or issuing authority. Heavy penalties are set for violation of this rule.

Transitional Regulations. The remainder of Chapter 1103 is not part of the General Laws, but deals with implementing the new law:

- Until the Commission takes action on cable rates, local issuing authorities may set rates, but monthly subscriber fees cannot be more than $7.
- Chapter 166A and the regulations of the Commission apply to all cable systems, even if they were



Cartoon from *Access*, Challenge for Change

franchised or in operation before the law went into effect. System operators do not have to reapply for their franchises but otherwise they must meet the requirements of the law, and must obtain "replacement" licenses.

THE COMMUNITY ANTENNA TELEVISION COMMISSION

Although the law went into effect in November, 1971, the first Commissioners were not appointed until June, 1972. A primary problem was budget—the state legislature had allocated so little money to run the Commission that it appeared impossible for it to operate effectively. Few potential Commissioners were willing to serve under these conditions. Eventually the budget was increased and the Commission went into operation. Funding is not guaranteed, however, and the Commission must spend a certain amount of time each year lobbying for its budget in the legislature.

In one of its earliest actions, the Commission declared a six month moratorium during which no franchises could be granted—from September 20, 1972 to March 20, 1973. During this period they held public hearings and worked out the regulations and procedures which are to be used in the future in granting franchises. These rules were issued in March, 1973.

The basic attitude of the present Commission seems to be that what's good for the cable industry is good for Massachusetts. At a recent meeting of the New England Cable Television Association, the Commission's executive director, Jeff Forbes, said:

> We have, in effect, one client, and that's the cable television industry. We are comparable, in part perhaps, to the Cable Bureau at the FCC. Massachusetts may not be as aggressive in pursuing a policy of getting the wires up at all costs as that bureau, but nonetheless, the perspective the commission brings is one of pro-cable in terms of trying to protect your industry against competing media. . .

Some of the Commissioners have made similar statements.

About a fourth of the communities in the state were franchised as of 1972. Most of these franchises were inadequate and provided few benefits to their communities. The Commission, however, has avoided revoking or improving these franchises, and has declined to help or encourage those communities which have tried to correct inadequacies on their own.

The Commission claims that dealing with the old franchises would take time and prevent it dealing with more important problems. This may be partly true; however, some critics of the Commission think it simply wants to avoid the hostility of the cable industry, which prefers for existing franchises to be left alone. Communities which challenge existing licenses cannot expect much help from the Commission unless the licensee has committed some very clear and serious violation of state law.

The state Commission *has* taken action in extreme cases. In October, 1973, after holding hearings in Metheun, the Commission upheld the town Selectmen's cancellation of a license granted to the Stan-Fran Corporation, because the company failed to meet any of its franchise commitments. On the other hand, in January, 1974, it approved a Warner license in Foxboro, even though it had been granted without public hearings. The Commission declined to intervene in a similar conflict in Somerville, despite requests by citizens' groups, the *Somerville Journal*, and the Massachusetts Consumers' Council. (It did require some changes in a later revision of the Somerville franchise—See Chapter 2.)

The state Commission challenged Quincy's grant of a franchise to Warner, but after negotiating a few points with the city (including requiring a public hearing and adding construction deadlines), it approved the franchise. (Another company, Charles River Cable, appealed to the FCC to deny Warner a certificate of compliance in Quincy. The case is pending before the FCC, but the certificate will almost certainly be granted.)

At a meeting on April 6, 1973, the Commission went on record as favoring:

- separation of ownership of cable systems from ownership of programming and other cable services (all services except broadcast and FCC-required channels would be leased to other programmers);
- ensuring the extension of cable services to all residents, including those in less profitable rural areas with low population densities;
- diversification of cable system ownership (limiting the number of subscribers that could be served by one operator and restricting cross-ownership by other media interests).

So far these are simply guidelines reflecting the thinking of the Commissioners; they have not been enacted into regulations.

Recent Commission proposals to limit cable ownership by radio stations were bitterly opposed by the cable industry, and the Commission backed down.

It has, however, issued detailed regulations governing new licenses and procedures for amending and transferring franchises.

To some extent the Commission's policies will depend on who the Commissioners are at any given time. You can get on a mailing list to receive information about the Commission's upcoming public hearings, proposed regulations, and so on, by calling or writing the Commission office. (See Appendix E for the address and information about current Commissioners.)

Access, Challenge for Change, Canada

REQUIRED PROCEDURES FOR GRANTING A FRANCHISE

The Commission's "Procedural Regulations for Granting Community Antenna Television Licenses" were published on March 20, 1973:

Publication Requirements. The introduction outlines the requirements for publishing notice of public hearings and requests for franchise applications.

Beginning the Franchising Process. Section 1: The following procedures *must* be used in granting a franchise.

The process begins when one of the following things happens: The issuing authority announces it will consider granting a franchise, a company or organization submits a formal application, or a certain number of the community's registered voters petition the issuing authority to consider granting a franchise. The number required is one-half of one percent of the residents, but not more than 500 nor less than 10.

When one of these things happens, the issuing authority must hold a public hearing or hearings where the applicants, petitioners, community residents, and anyone else can be heard.

The issuing authority must decide within 60 days after beginning the process.

- The authority may decide not to go any further, rejecting all applications and writing a public report explaining its decision.
- Instead, the authority may decide to proceed. It must then appoint a community advisory committee and publish notice that it is accepting franchise applications.

Once it decides to go ahead, the issuing authority must make a final decision within 12 months if the community has less than 50,000 residents, or within 18 months if the community is larger than 50,000.

Applications received must be available for anyone to look at or copy for a "reasonable fee" in the town or city clerk's office.

Community Cable Advisory Committee. Section 2: Membership of the community cable advisory committee should "reflect adequately the social, political, educational, cultural, and economic makeup of the community."

The Committee is responsible for educating the community about cable and encouraging public participation in franchising; doing a study of the community's cable needs; and writing recommendations about what should be included in the franchise.

The Committee must write a report and recommendations for the issuing authority, which must be available for inspection and copying "at a reasonable fee."

The Committee *may* make recommendations about any aspect of the franchise it wishes, but it *must* deal with the following issues: area to be served; type of ownership and operation; length of franchise; construction schedule; channel capacity, two way capability, other aspects of the design of the system; local origination plans; how to evaluate the qualifications of applicants; plans for cooperation between the city or town and the franchise holder; plans for cooperation with adjoining communities; local supervision of the cable system; complaint and compliance procedures; equal employment opportunities; subscriber contracts, rules, regulations, rates; public access; rights of privacy; rights to information.

The Committee is supposed to encourage other people in the community to participate "to the greatest practical extent." Anyone can write proposals or suggestions to the Committee and request that these be attached to the Committee's own report.

Issuing Authority Report & Request for Responses. Section 3: The issuing authority must hold a public hearing or hearings on the Committee report and then issue its own report which should include policy guidelines on all matters studied by the Committee plus others considered important by the authority.

The Authority must make its report publicly available. It must send the report to all applicants and ask them to submit sealed responses. The authority must also advertise that it is accepting applications, and set a deadline for filing all responses. All applications and responses have to remain sealed until the deadline, when they are all opened and made available to the public.

Granting the Provisional License. Section 4: Following the deadline the authority must hold a hearing or hearings on the applications received. All applicants, residents, and anyone else interested must be given "full and fair opportunity to be heard."

Within a reasonable time after the hearing(s) the authority must either approve or disapprove the applications and grant a *provisional* license to each applicant approved. The authority must set a time limit for approved applicants to fulfill the requirements for a *final* license. If the applicants fail, they lose their licenses and the authority may choose another applicant or begin the franchising process all over again.

The issuing authority must issue a written public statement of its reasons for accepting or rejecting each applicant, in relation to the policy guidelines established in its previous report.

Neither the provisional license, nor the ownership of the company or group which holds the license, may be transferred in any way, except with the approval of the issuing authority.

Granting the Final License. Section 5: A final license is granted by the issuing authority on the date set, if the provisional license holder proves that it can meet state requirements and those of the franchise itself, that it has adequate financing and arrangements with contractors to build the system, that engineering and technical standards will be met, that a headend site is available, that its local-origination obligations will be met and all programming services promised will be provided.

It must also prove it has applied for an FCC certificate of compliance and certify that all agreements it has made have been disclosed and filed with the authority. Finally, it must prove it can implement plans for guaranteeing equal employment opportunities.

In addition, the provisional licensee must submit the following: copies of pole permits and right-of-way agreements; wiring maps of areas to be served; rate schedules, including rates for installation, monthly subscriptions, extra hookups, use of access channels, terminal equipment, and any other rates; plans for assuring "non-discriminatory and orderly use of access channels"; and plans for extending the system.

During this period public hearings may be held at the initiative of the authority or on request by the licensee.

The final license must contain terms substantially the same as those offered in the application originally accepted by the authority; if the authority permits any changes, it must give reasons in writing.

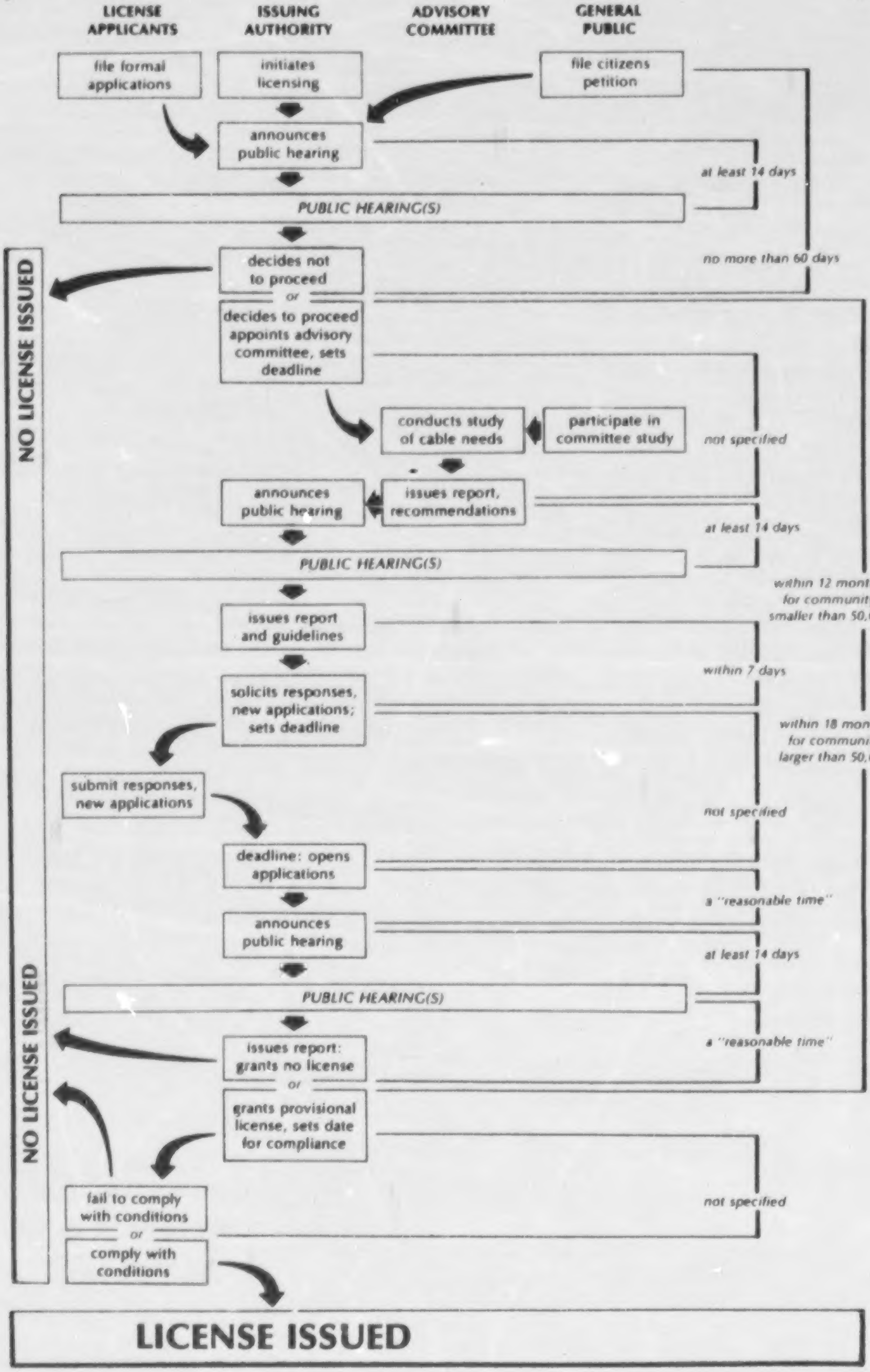
The authority must publicly certify that the requirements have been met. Copies of this statement and the final license must be available to the public.

AMENDING THE FRANCHISE

The state Commission issued its "Procedural Rules for the Amendment of Final CATV Licenses" on December 27, 1973.

Requests for Amendments. Section 1: If the issuing authority and the operator want to amend the license, they have to publish notice of their proposal. *There is no provision for citizens to initiate the process.* The issuing authority has to make a report, by who-

SUMMARY OF THE FRANCHISING PROCESS


LICENSE APPLICANTS
ISSUING AUTHORITY
ADVISORY COMMITTEE
GENERAL PUBLIC
file formal applications
initiates licensing
file citizens petition
announces public hearing
at least 14 days
PUBLIC HEARING(S)
no more than 60 days
NO LICENSE ISSUED
decides not to proceed
or
decides to proceed appoints advisory committee, sets deadline
conducts study of cable needs
participate in committee study
not specified
announces public hearing
issues report, recommendations
at least 14 days
PUBLIC HEARING(S)
within 12 months for community smaller than 50,000
issues report and guidelines
within 7 days
solicits responses, new applications; sets deadline
within 18 months for community larger than 50,000
submit responses, new applications
not specified
deadline: opens applications
a "reasonable time"
announces public hearing
at least 14 days
PUBLIC HEARING(S)
a "reasonable time"
NO LICENSE ISSUED
issues report: grants no license
or
grants provisional license, sets date for compliance
fail to comply with conditions
or
comply with conditions
not specified
LICENSE ISSUED

ever is requesting the change, available in the clerk's office; it must show how the change will affect "services and charges to consumers and any other concerned parties."

Hearing on Request for Amendment. Section 2: Within 30 days the authority or the licensee can request a hearing. Citizens can request a hearing by a petition of one-half of one percent of the voters (but nof more than 500 nor less than 10.) Notice must be given and the hearing must be held "within a reasonable period of time."

Effectiveness of Amendment. Section 3: The change takes effect after 30 days if no hearing is requested; otherwise whenever the authority makes a decision. The authority must make a written report of the reasons for its decision.

Complaint Provisions. Section 4: Anyone "aggrieved" by the decision can file a written complaint with the Commission within 30 days. The Commission can, if it chooses to, investigate, hold hearings, and approve or disapprove the decision.

Notice Requirements. Section 5: Notices must be published in the newspapers. If a cable system is operating, the notices must also be cablecast.

TRANSFERRING THE FRANCHISE

"Procedural Rules for Assignment or Transfer of Control of a Final License" was also issued December 27, 1973. These rules are basically the same as for an amendment except that the public hearing is held automatically rather than only if requested.

STATE FORMS AND FILINGS

The State CATV Commission prescribes the forms on which license holders and issuing authorities report information required by the state law. Some of these contain information useful to community groups evaluating an application or a licensee's performance.

Standard Application Form 100: This must be filed with the Commission and the issuing authority by an applicant for a new license, for transfer or renewal of an existing license, or for recertification of a license granted before the state law went into effect. It is *public information*. Except for the brief period during franchising when the applications are sealed, anyone who wants to has a *legal right* to see the application and all attachments and exhibits submitted with it.

What kinds of information are supposed to be included on form 100?

- *Ownership.* The application should show the form of ownership of the applicant (corporation, partnership, etc.); the names of, and information about, all officers, directors, partners or stockholders; its creditors (knowing who a company owes money to can give you a clue to its policies; knowing how much it owes can help you figure out how well it is doing financially.)

There should also be information about all companies or persons who own or are owned by the applicant to the extent of 10% or more, information on the companies which own *those* companies and so on. (Many times cable applicants are really fronting for others and it helps to know who is really involved.)

Finally, any business or legal hassles the parties to the application have had in the past, and whether they or their families have interests in other media, should be indicated.

- *Technical & Financial Plans.*
- *Other Information.* Copies of any other Massachusetts franchise applications should be attached. These can show you what kind of deals the company has agreed to elsewhere. You can contact people in other towns to find out how well the company performs.

Also, any plans the company has to protect subscribers' privacy and to provide equal employment opportunities should be detailed.

Standard Balance Sheet, Form 200: This abbreviated annual financial statement gives a rough idea of how the company is doing, but the information is generalized and hard to interpret. It is public information.

Standard Revenues and Expenses Form 300: This form contains the really useful and detailed information about the company's finances, but it is not officially available to the public.

Standard Complaint Forms—Form 500A: This lists complaints and what was done about them, and must be kept for two years. It is open to public inspection. **Form 500B:** A quarterly summary of complaints received. **Form 500C:** A quarterly summary of complaints which involved interruption of cable service.

8

THE LOCAL CABLE FRANCHISE

Federal and state regulations set broad guidelines which communities must follow, but most important decisions about cable are made at the local level—in the process of granting a franchise.

A franchise is the license which the local government gives to a company or group, granting it permission to build and operate a cable system in the community. It sets the basic operating rules which the system operator must follow.

In deciding what should be written into the franchise and to whom it should be granted, community groups can influence the way cable will affect their community for many years to come. Changes can be made later, but they will be harder and take much longer.

In the past, cities often granted franchises that provided very little protection of the public interest. To avoid this in the future, the community must take an active interest in cable. People must let their representatives in city government know that they are going to insist on having cable systems that meet the real needs of their communities.

Community education is very important. Ideally, the city or town government should be willing to fund a research and education program. Boulder, Colorado, for example, created a Cable Communications Study Committee and gave it $5,000. But if government fails to support such programs, community groups will have to fill the gap.

Many issues must be considered in writing the franchise. We have found the points discussed here to be of particular concern to community groups. The suggestions that follow are based on experiences in communities throughout the country, and on proposals made by community groups, cable researchers and others. Among those referred to most frequently:

- The franchise proposed for Boston by former City Councilman Thomas Atkins. (See Chapter 3 for more information.)
- The "Proposed Newark Franchise" has been accepted on principle by the Newark City Council, but has been tabled pending further negotiations with TelePrompTer, which holds a franchise in the city.
- The Boulder franchise granted to TelePrompTer Corp. is probably the best one now in effect. TelePrompTer is trying to abandon this agreement, pleading financial difficulties. However, a local businessman is negotiating to take it over on substantially the same terms.
- "Cable Television in Detroit" is the report of a study committee set up by the city's Common Council. Its recomendations have not yet been enacted into law.

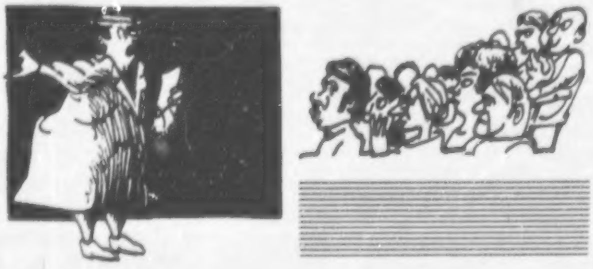
In the discussion that follows, the paragraphs in italics represent suggestions of the Media Project, based on our experiences so far.

The boxed sections are from a statement by the Somerville Media Action Project to their Board of Aldermen at a public hearing on revising that city's franchise. Some of SMAP's suggestions were adopted in the new franchise agreement; others were ignored.

THE FRANCHISING PROCESS

GRANTING AND SUPERVISING THE FRANCHISE

If cable is really going to serve the community, citizens must become actively involved at all stages of the process, from granting the franchise to monitoring and supervising the system's operations. Both the franchising procedure and the franchise itself must be designed to guarantee a high level of participation.



Franchising Procedures. *The procedures set out by the Massachusetts state Commission should be strengthened by: 1) requiring intensive community education on the potential benefits and dangers of cable and the issues involved in franchising, and 2) requiring public hearings, scheduled so that all residents can attend. Final franchising decisions should require citizen approval, by referendum or other means.*

Often in the past a fast talking commercial operator got together with a few local businessmen, formed a front company, and approached the mayor or city council with a pile of promises and a franchise already written. There were no public hearings and little discussion. City officials only knew what the operators told them and often agreed to these deals, signing away their control over the communications futures of their communities.

That can't happen any more in Massachusetts. The state CATV Commission has set out a detailed franchising process that all communities must follow (see pages 65-67.) The procedures are generally quite good, and provide substantial opportunities for community participation. However, they can be improved.

Local groups should demand that an extensive educational campaign be carried out to ensure that everyone in the community understands what is at stake. The advisory committee, or whoever is responsible for education, should have sufficient funds and resources to do an effective job.

Similarly, while the state procedures provide for public hearings at several stages, local communities should make sure that the hearings are held at reasonable times and places so that everyone will be able to attend. If the hearings are only held during business hours, working people may be excluded. Ideally, there should be a series of hearings at different times and in different neighborhoods.

Although public hearings must be held, there is no requirement that the licensing authority pay any attention to the sentiments expressed at those hearings. Some way needs to be found to subject franchising decisions to the approval of the community as a whole. While there is probably no way of forcing the issuing authority to delegate power, strong and organized community pressure might be able to persuade it to do so.

One alternative would be to have the community advisory committee elected rather than appointed, with the issuing authority agreeing to abide by its recommendations. Another would be to submit franchising decisions to referendum vote.

Elected Community Board. *A special community board should be elected to monitor and regulate the cable system's operations. The board should have specific powers delegated to it and clearly spelled out in the franchise.*

Community "watchdog" agencies may simply advise and assist the issuing authority, or may have specific operational powers of their own. Under FCC and state regulations, such powers would have to be delegated by the issuing authority and/or the cable company. Community groups might demand creation of such a board as a condition of their support for the franchise.

Since Massachusetts already requires an advisory committee during the franchising process, this body might continue to serve after the license is issued. If it is to be representative of the community, however, it should be elected rather than appointed.

A Washington, D.C., city council committee report suggested creation of an executive agency to manage cable in that city. The agency would be appointed, but would have broad representation of subscribers. The Washington Community Video Center, on the other hand, proposed forming an *elected* telecommunications office, which would have the power to map districts, set rates, hold public hearings, grant franchises, terminate bad franchises and generally watchdog the cable operators.

A proposal for Santa Cruz, California, called for a 7-member review board to consist of a city council member, a high school student, a local university student, a member of the merchants' association, a public school teacher and representatives of two different private community organizations. In Canada, a variety of local regulatory bodies have been in use successfully for many years.

Access to Information. *The community board and the public should have full access to company financial and other records. The franchise should require the system operator to pay for publishing the franchise and other important documents and for the services of consultants needed to assist the board in evaluating system operations.*

The state now requires that some records be open to the public, but community groups should demand access to *all* records. The Boulder franchise says the operator must have "a policy of totally open books and records. The Grantor and the general public shall have the right to inspect. . .all books, records, maps, plans, income tax returns, financial statements, and other like materials of the Grantee which relate to its operation in the City. . . Access to the aforementioned records shall not be denied by the Grantee on the basis that said records contain 'proprietary' information."

In order to guarantee continued public involvement, we strongly recommend the formation of an *elected* Community Cable Television Board, to represent the public interest. Both the Mayor and the company should recognize this body and delegate to it adequate powers to enable it to fulfill a meaningful role.

The Board would carry out programs to inform and educate the public about cable television. It would oversee the company's operations in order to assist the city in assuring compliance with the franchise, especially in the areas of public access, customer complaints, and privacy and human rights. It would generally serve as a watchdog in the public interest, and should have complete access to company and city records relating to cable. It would hear and keep records of complaints from subscribers and programmers who feel that they have not gotten an adequate response from the company. It would advise and assist the company in establishing procedures for use of the public access channel and would assist educational groups and city government to do the same with regard to the channels for their use. The Board should be empowered to call public hearings, and should hold regular meetings at least twice monthly. . .

At five-year intervals, the Board should be responsible for preparing a detailed evaluation of the company's performance, and making recommendations for renegotiating the franchise. The Mayor should be required to respond to these suggestions publicly and in writing, indicating his reasons for acting, or failing to act, on them.

To ensure its independence, the Board would form a non-profit community corporation, which would receive and spend funds to support its activities. The Board would primarily be supported by a levy of 5% of the company's gross annual subscriber revenues, less the fee of $.50 per subscriber per year paid to the city and state. This levy would be paid directly to the community corporation and would not be subject to control by the city.

– Somerville Media Action Project

(While this SMAP proposal was not adopted, the new Somerville franchise does have a provision which reads as follows: *"The Issuing Authority may create, at any time, a community advisory board, vesting it with the authority to create policy and/or regulate on-going matters concerning administration of the system, as well as other matters related to this license, subject to the Issuing Authority's ultimate authority and approval. . . The advisory board may deal with censorship, consumer complaints, monitoring prohibition rules and recommendations for staff and consultants, and it may also be the duty of said board to provide and gather information regarding the public's interest in cable participation and/or to establish guidelines. . .Subject to appeal to, and the authority of, the Issuing Authority, the Licensee shall recognize the community advisory board as vested with the powers and rights of the Issuing Authority."* The Somerville board is now in operation, and has been reasonably active in pressuring the company to meet its obligations to the city. See pages 25-26.)

Boulder has two additional provisions which should encourage public participation: *Each year* the system operator must submit a report to the city on its operations, including finances, complaints received and other topics. The report must be presented and discussed at a *public* hearing. The operator must also conduct a community survey each year "which shall attempt to identify dissatisfaction among subscribers and unmet needs among non-subscribers."

In Boulder, the company agreed to split the cost of any consultants required to assist in evaluating the cable system, and to pay the city $3,000 to compensate it for money spent prior to issuing the franchise. The franchise in Somerville, Massachusetts, requires the company to pay the city $2,500 to hire consultants needed to advise citizens on whether or not to renew the franchise.

Length of the Franchise. *Franchises should be for the shortest time period possible, in most cases no longer than 10 to 15 years. There should be a requirement for renegotiation of franchise provisions at regular intervals.*

Operators prefer longer franchise periods in order to cover their costs in the early years and take out maximum profits in the later years. However, if the franchise is too long, it gives too much power to the operator, and makes it harder to meet new conditions and new needs. Community groups should push for the shortest possible terms. If a company is doing a good job, its franchise can always be renewed, but if it is doing a bad job, the community has a better chance to force changes or get rid of an unsatisfactory arrangement.

Periodic renegotiation of franchise provisions can achieve the same thing, as long as the community has the power to require needed changes.

The FCC says franchises must be of "reasonable" length, with a maximum of 15 years. The Massachusetts law also sets a 15-year maximum, with renewals possible for 10 years. The proposed Newark franchise sets a 15-year limit, with renegotiations every five years; if the city and the company fail to reach agreement, compulsory arbitration can be used to settle the dispute. A Rand Corporation study of cable for the Dayton, Ohio, area indicated that a 10-year franchise was economically feasible.

The Boulder, Colorado, agreement specifies that it is a "non-exclusive *revocable* permit." Major provisions must be reconsidered in *public* negotiating sessions, every three years. Matters to be renegotiated include rates, new technologies, performance of the system, customer complaints, privacy concerns and amendments to the franchise. Other topics can be added by agreement between the company and the city or by petition. Special additional renegotiation sessions may be held.

License Revocation and Other Penalties. *The community cable board and/or the issuing authority should have the power to revoke the franchise if the system operators don't live up to their obligations, or for serious violations of the franchise. Lesser penalties, such as fines or shortening of the franchise term, should be provided for lesser violations.*

To monitor and regulate the operation of the cable system, the city must have some penalties at its disposal, including termination of the franchise under certain circumstances.

However, many communities have found that revoking a franchise is too severe a penalty to be useful, since it may lead to court fights and will leave the city without cable service while another system operator is found. Somerville found itself in this situation as a result of repeated failures by Warner to meet its franchise provisions there. When the city proposed using the only penalty it had available, cancelling the license, Warner threatened to fight the cancellation and the city backed down. For this reason, franchises should include lesser penalties, graduated on the basis of the seriousness of the violation. Usually these are fines of a certain amount for each day the violation continues. A report by a citizen's study group in Madison, Wisconsin, suggested that penalties could also include *shortening* the term of the franchise by some set amount.

In Oakland, California, if the cable company fails to meet its construction or service schedules, it may be fined $750 per day. As of January 1, 1974, the city began collecting this fine because the company, Focus Cable (a TelePrompTer subsidiary), was behind in its construction.

Arlington, Virginia, requires the company to deposit a security fund and has a long series of fines which can be deducted if the company violates the franchise. These range from failure to complete construction and installation as promised—$500 per day—to such things as failure to provide required information—$50 per day. The town of Wakefield, Massachusetts, has proposed a similar penalty schedule.

Many franchises let the company off the hook if it fails to meet schedules due to "acts of God" or other causes. Sometimes these include strikes. Such provisions should be avoided. In the first place, labor disputes are between the company and its workers; the burden should not be placed on the cable consumer. In the second place, such provisions play off the consumer against the workers. Companies should be responsible for dealing with their own labor problems.

Buy-Back Provision. *When the franchise expires or is revoked, the city should have the right to buy the cable and other physical facilities and equipment of the system at their actual ("book") value.*

Revoking or refusing to renew the franchise may be useless powers if the city cannot buy the cable facilities back from the existing operator. Wiring a city is expensive and time-consuming, and the city might be without service for a couple of years while a new system is built. In such a situation, many cities would decide to renew an inadequate existing franchise rather than ending it and facing the resulting problems.

The FCC has said it "would strongly recommend that local officials include specific 'buy-back' or continuation of service provisions in their franchises."

In Boulder, if the city revokes the franchise because of default of the company, it can purchase the system at book value (cost of the physical plant and equipment less depreciation.) If it merely decides not to renew the franchise at the end of its term, the city must pay "fair value" which may include compensation for "intangible assets" and current cash flow. Under the Newark franchise, in the case of default the city could acquire the cables over and under city streets *free* and would pay book value for the other facilities of the system.

Right to Reconsider. *If any provision of the franchise is held to be illegal or invalid, the city should retain the right to reconsider the whole franchise and, if it chooses, grant the franchise to a different operator or grant no franchise at all.*

Frequently, cable franchises include what is called a "severability clause" which says that if any part of the franchise is held to be invalid (for example by a court, the state Commission, or the FCC) the rest of the franchise remains in effect. This can be a real trap.

For example, many communities are writing franchises which require special permission from the FCC—for additional access channels, higher than usual fees, and so on. Suppose a city awards its franchise to a particular company which agrees to provide extra access channels and equipment. Later the FCC declares that provision invalid because it constitutes an excessive "fee." The city may feel that it no longer has a very good deal. It might decide it would just as soon not have cable at all. But if the franchise has a "severability clause," the city may be stuck with it. Some companies may even agree to large amounts of special services and other concessions in order to get a franchise, hoping (or knowing) that the FCC will knock those provisions out later.

Communities should require that if any provision is declared invalid, the community has the right to reconsider the entire franchise.

Most-Favored Community Provision. *The franchise should contain procedures for future modifications as needed to enable the community to take advantage of changes in the technology, economics and social climate of cable. In addition to periodic renegotiation, a "most-favored community" provision should be considered.*

Two Massachusetts communities have franchise provisions which provide the benefits of franchises negotiated elsewhere. In Medford, the company "agrees to revise its payments and license terms to the municipality" if better terms are granted to Malden, Somerville or Everett. In nearby Somerville the same company (Warner) agreed to an even more extensive provision:

> In the event that the Licensee, or any of its affiliated cable television companies, provides a commitment in the form of a license or license amendment *to any other issuing authority within the Commonwealth of Massachusetts*, for any right, benefit, or privilege, directly or indirectly related to a cable system (including the provision of services or equipment at anything less than full value) which is more favorable to the said other issuing authority than required by the provisions of this License, the Licensee shall immediately send to the Issuing Authority a copy of such license or license amendment and shall make the same commitment to the Issuing Authority. . .

While such a provision may prove beneficial, there are certain problems involved. If too many towns rely on such rules rather than trying their best to work out good *specific* provisions, they may all end up with "most-favored community" clauses but with no good franchises in the state to make the clause meaningful. Also a company which agrees to such a provision in one or two municipalities will be less willing to make concessions elsewhere, since anything it agrees to in one community it must also grant to the others. In the case of Somerville, the company has also tended to ignore the provision; for example it has repeatedly failed to notify the city of relevant provisions in other franchises. There has been some suspicion that it only agreed to the provision in order to avoid making specific commitments, and that it has no immediate plans to seek additional franchises.

OWNERSHIP—DECIDING WHO SHOULD GET THE FRANCHISE

Decisions on who should be granted the privilege of building, owning and operating the cable system will have a substantial impact in determining quality of service and responsiveness to the community. Ownership is discussed in detail in Chapter 6, and will only be summarized here.

Ownership Options. *Communities should give serious thought to alternative forms of system ownership, including local private ownership, ownership by a nonprofit community corporation or municipal ownership.*

The decision on ownership should be based on which form will best achieve the community's goals in terms of cable services, access, protection of privacy and other major issues.

Cross-Ownership. *Cable systems should not control, or be controlled by, other communications media–TV, radio, newspapers, etc. Cross-ownership with equipment manufacturers or suppliers, with advertisers or with other purchasers of cable time or services should also be forbidden.*

The media which provide information to the American people are centralized in a very few hands. More and more radio and television broadcasting stations and newspapers, for example, are controlled by networks or chain owners. Fewer and fewer communities have competing newspapers. In many places *all* the regular news outlets (broadcasting and newspapers) are controlled by the same owners.

Restrictions on cross-ownership are intended to limit this concentration of power. Cable should be an independent local medium.

The FCC already forbids ownership of cable by the national TV networks, by local TV stations, or by telephone companies within their service areas. Massachusetts state law also forbids cross-ownership by local newspapers "in their major circulation area."

Local franchises should extend the cross-ownership ban to include radio stations; all local newspapers and magazines; film producers or theaters; advertising agencies; banking, credit or other services which buy cable time; companies which sell, rent, repair or service cable or television equipment; and so on.

Transfer of Franchises. *Franchises should be non-transferrable, except with the approval of the issuing authority and the community cable board after public hearings. The community should retain the right to revoke the franchise rather than permit a transfer.*

In the past, companies frequently obtained franchises where they had no intention of building a cable system, but actually intended to resell the franchise at a profit. This kind of speculation at the people's expense—called "trafficking in cable licenses"—has got to be prevented.

ECONOMIC BENEFITS TO THE COMMUNITY

These provisions are intended to ensure, to the greatest extent possible, that the revenues and employment opportunities generated by local cable operations actually benefit the community rather than outside business interests.

License Fees. *Fees paid to the city should cover the cost of setting up and operating the community cable board and any other regulatory expenses. Additional revenues from fees should be used to support community access activities and other public services. Fees should not be used as a source of general revenues to the municipality since this would constitute a regressive tax and would discourage maximum use of the system as a communications medium.*

The FCC requires each system to pay $.30 per subscriber to support FCC regulatory activities. Massachusetts law calls for $.50 per subscriber to be paid to the city and $.50 to the state. The state Commission currently regards these as the *only* license fees that can be charged, but this ruling probably will be changed. (See page 62.)

The FCC says that fees must be "reasonable," which they interpret as meaning 3-5% of gross subscriber revenues. Communities cannot charge more than 3% without special FCC approval.

The FCC's Cable Television Bureau has ruled that fees can be based only on *subscriber* revenues (installation charges and monthly payments) and not on revenues from other sources such as advertising, channel leasing, Pay-TV and special commercial services. Some cities plan to contest this ruling before the full Commission. They argue that such sources may one day provide more revenue than subscriber rates. Others say the FCC has no right to limit municipal fees at all.

If fees were based on *all* revenue sources, this might help support access and other public services. The Boulder franchise provides that fees paid to the city will be based on all revenues, if and when the FCC permits.

The FCC may approve 5% fees if the additional money is to be used for worthwhile activities such as providing equipment and training to community people, subsidizing subscriptions for low-income families, and supporting minority programming. Boulder fees total 5%, with 2% going to support public access programming; the city expects FCC approval, in part because $15,000 in city revenues have also been committed to support access.

Installation and Subscription Rates. *Subscriber rates should be as low as possible, to encourage maximum use of the system. Installation should be free or at the lowest feasible rate. Subsidized rates for the elderly, welfare recipients and other low income people should be explored. System operators should not be permitted to make excessive profits at the expense of service to the community.*

The goal of concerned community groups should be the lowest possible rates which will support a high level of cable services and access. Of course, private operators insist on making profits, but these should not be allowed to be excessive. Rates should be

Television is not just an entertainment medium. Studies have shown that TV is the most important source of news for most Americans, and that this reliance on TV is greater for low-income people. Cable TV will serve these needs and will also be an important vehicle for communications within the city. It may become not merely a luxury but a necessity. No one should be excluded because of inability to afford the installation and monthly fees. This cost may seem small to some, but it would represent a substantial drain on the tight budgets of many low-income people and elderly citizens living on fixed budgets—and these are the people who will most need the services offered by cable television.

SMAP recommends that the franchise require free installation and reduced monthly rates for all public housing tenants, for all Somerville residents over 65 years of age, and for all families *eligible* for any form of public assistance (even if they are not presently *receiving* assistance).

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specified in the franchise and changes should require the approval of the issuing authority and the community board, after public hearings.

Subscription rates currently average $5 or more per month, and $5-20 for installation. Many Boston-area operators are demanding rate increases to the state maximum of $7 per month. Warner has demanded an increase from $5 to $7 in both Amesbury and Foxboro. The Selectmen of both towns oppose the increase, but Warner officials have threatened to "shut down their operations" if they don't get it.

Wakefield, Massachusetts, proposed a provision which says "The Board of Selectmen may establish a schedule of free or reduced rates for a head of a household, over 65 years of age, and with an annual income of less than five thousand dollars." Wakefield also allows its Selectmen to reduce subscriber rates after the first three years. North Adams has sought reduced rates for subscribers in low-income housing projects. Although the State Department of Community Affairs agreed to pay installation costs, the operator, Berkshire Telecable, refused to grant the reduced rates.

The Boulder franchise noted "It is the intent of the Grantor to gradually reduce rates. . ." as other forms of revenue to the operator, such as channel leasing and special services are developed. Rates can be renegotiated at three year intervals. In addition, the city and TelePrompTer agreed on an experiment in subsidizing subscribers living in public housing: the company will provide free installations and charge the city $4.75 per month for each public housing unit, which is the system's usual rate for multiple unit buildings. The city, in turn, has agreed to subsidize the monthly payments, so that each subscriber will only have to pay $2.00 per month. The city has committed $16-17,000 per year over each of three years to support this experiment.

Oakland used competitive bidding to keep rates down. Officials first studied proposals and decided on the "package" of services and facilities they would require of all applicants. The franchise went to the applicant who proposed the lowest subscriber rates. This was Focus Cable, at $1.70 per month. (However, it should be noted that Focus is in apparent financial difficulties and behind its construction deadline.)

Employment Policies. *Minority and low-income people and women should be actively recruited, trained and employed at all levels of the system's operations. Plans for recruitment and employment should be subject to the approval of the community board, and should be vigorously enforced. Employees should be hired from the community served.*

Members of minority groups, women and the poor have long been denied any active control over the media of mass communications. The job opportunities created by the growth of cable must be used to correct this inequity, or the concept of "community media" is meaningless.

The Detroit cable study projected that a system there might create 300 to 500 *permanent* jobs. It recommended that the system operator and its subcontractors be required to hire local residents in such a way as to reflect the groups in the city's population.

Cable television could have a substantial economic impact in Somerville, but the existing franchise contains no assurances that the city will actually benefit in terms of employment or of money spent locally.

SMAP urges the franchise be amended to require that local citizens be actively recruited, trained and hired at all levels of the local system's operations. There should be vigorous efforts to include members of Somerville's many ethnic and minority groups on the company's staff.

The company should also be required, whenever possible, to purchase its supplies and services locally, and to hire local subcontractors. In this area as in its subscription and programming policies, the company should be absolutely forbidden to discriminate in any way on grounds of sex, race, religion, national origin or previous incarceration.

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Tenants' Right to Subscribe. *Landlords should not be permitted to control the right of their tenants to subscribe to cable services, nor to charge for allowing wiring of an apartment.*

Landlords sometimes demand payment, either from the cable operator or from tenants, before permitting cable hookups. If the operator pays, the cost is simply passed on to subscribers. If the tenants pay, they are being forced to pay more for cable service than they would otherwise have to. In either case, the landlord is making a profit for doing nothing. In one FHA-sponsored development in Worcester the owner collected tenants' cable payments along with the monthly rent—as a "convenience." Many tenants did not realize that their landlord was charging them more than a dollar a month *more* than he was paying to the cable operator. When the tenants found out, they forced the landlord to change this practice.

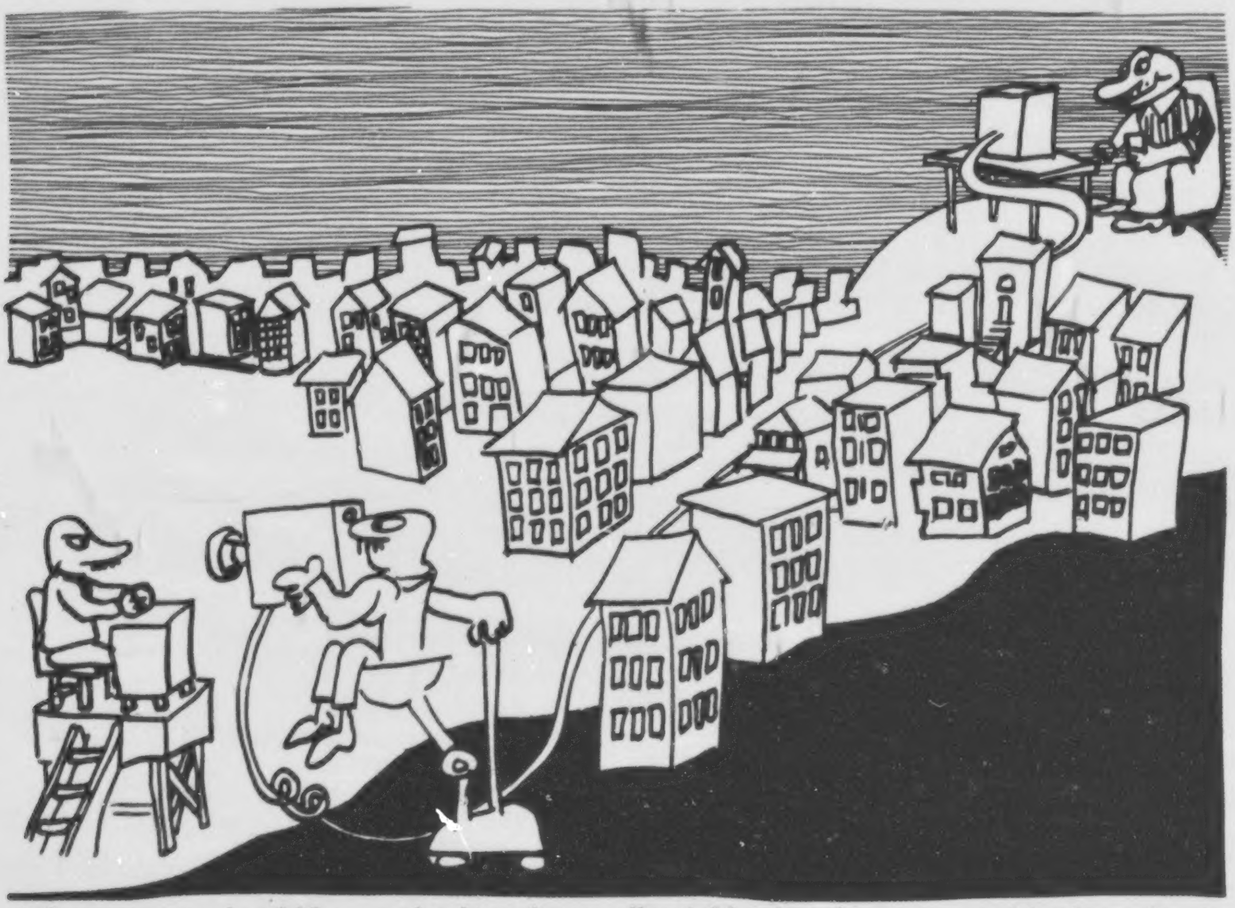
New York State's cable legislation makes it illegal for landlords to interfere unreasonably with cable wiring or to demand or accept any payment from tenants for allowing cable to the building.

PHYSICAL DESIGN AND CONSTRUCTION OF THE SYSTEM

The quality of the service which a cable system can deliver depends greatly on its physical design and construction. Franchises should ensure a high quality, flexible system to meet present and future needs.

Construction Schedule. *Construction of the system's facilities and wiring should be completed as soon as possible–within one or two years in most cases. The operator should be required to wire all neighborhoods on an equal basis, and not leave the less profitable areas for last.*

If cable is to be a real local communications medium, the operator can't be allowed to just wire up the most profitable part of the community and then sit on his franchise till the system makes enough money to wire the rest. The FCC requires "significant" construction in the first year of the franchise, and at least 20% of the system each succeeding year. Massachusetts law requires completion within six years.



"The operator should be required to wire up all neighborhoods on an equal basis, and not leave the less profitable areas for last."

Most cable experts, however, feel that much shorter deadlines are economically feasible and should be required. The Urban Institute suggests an 18-month maximum. The proposed Newark franchise calls for 25% completion the first year, 50% within 18 months, and the entire system within two years. The Boulder franchise calls for completion of everything except hooking up the subscribers within 9 *months*.

Subdistricting. *To encourage local control and participation, large municipalities should be divided into smaller units, either by franchising several separate systems or by subdistricting a single system. Subdistricting plans should require public approval. If more than one system is franchised, the districts must be of equal economic viability and must be guaranteed equal service.*

A city or town needn't be wired up as a single cable system. Especially in large cities, it might make more sense for the community to be divided into several cable districts. Smaller systems might increase opportunities for local ownership and control and promote greater local responsiveness.

In a recent study of greater Cincinnati, Robert L. Steiner noted that the "economies of scale" possible with larger systems tend to disappear at a system size of about 25,000 homes for a one-way system, or at about 50,000 homes for a two-way system. Some experts put the numbers even smaller, but most agree there is a point beyond which larger size stops meaning financial savings. Steiner suggested 3 or 4 separate systems for Cincinnati, and perhaps 5-10 in the metropolitan area; these would all be interconnected. Steiner argues that there would be more bidders for smaller (and cheaper to construct) systems, giving the city more leverage in bargaining. There would also be competition among the systems since people could compare their performance. At the end of the franchise term, the city would have the option of choosing among a number of operators, all familiar with the area.

Alternatively, a single system can be divided into sub-districts, branch-networks or "hubs." Having a single physical system might make administration and engineering easier, while sub-districts would allow local neighborhoods to produce and view more of their own local programming. However, subdistricts should be interconnected so that there can be city-wide as well as neighborhood communications. Former Councilman Atkins recommended that Boston might well have as many as 10-12 separate cable districts. A recent publication, *Cable in Boston: A Basic Viability Report*, gives a good rundown of the various factors involved in determining the economic viability of different sized districts in Boston. The authors feel Boston could well have as many as 15 cable districts.

The New York City franchise requires systems there to be divided into at least five subdistricts by branch-networking, as does the Newark proposal.

The Detroit study calls for at least five cable districts. Although there would be only one system physically and administratively, each district would have almost total programming autonomy. The Detroit committee decided that instead of branch networking, every city subscriber should be able to see any program at any time. Their proposal makes this possible by allocating an unusually large number of channels to the local cable districts.

The exact method of subdividing the community must be based on local needs. Plans should be specified in the franchise, and should ensure that all areas be treated equally.

Interconnection. *Cable systems within the municipality should be interconnected with each other, with systems in adjoining communities, and with any others chosen by the community board.*

Interconnection is necessary for systems to exchange programs and information. A city or town with more than one system should require that they be interconnected. Many franchises also require interconnection with adjoining systems. While interconnection among municipalities will require negotiations by the issuing authorities, the Community Boards should be involved in deciding which systems to connect with. The operators should be required to go along with the plans decided on.

A draft franchise for Dayton proposed an "interconnection company," with representatives from each district, to plan for interconnecting their systems. Interconnection has received little attention in Massachusetts, although the state Commission is authorized to deal with it.

Channel Capacity. *The system should have the greatest number of channels technically and economically feasible, and should be required to expand to meet future community needs.*

The FCC requires a minimum of 20 channels in new systems, and most recent franchises call for at least 24 to 30. San Jose, California already has a cable system with 42 channel capacity, and Akron, Ohio, has one with 64. The Boulder franchise requires a dual cable system with 30 channels on each; initially only one cable would be used for basic subscriber service, while the other would be used for two-way data transmission.

Some plans (for example, the MITRE Corporation's plan for Washington, D.C.) suggest augmenting a system's channel capacity with a separate closed-circuit cable loop for special services to government agencies, businesses, schools and other institutions.

Two-Way Capability. *Benefits of possible two-way service must be carefully weighed against hazards to privacy and civil rights. Decisions on whether to activate two-way communications should not be left to the operator, but should be decided by the community board after public hearings.*

The possibility of two-way communications elicits both rosy projections of future cable services and fears of spying on citizens. Whether two-way capability should be required and when, if ever, it should be activated are decisions the community, not the cable company, should make. The FCC requires new systems to have *capacity* for non-voice two-way communications, but does not require that the capacity be utilized. Local communities may require greater two-way capacity (voice or video) or might prefer no two-way at all.

The community should also reserve the right to decide whether or not to allow pay-cable operations.

Privacy & Civil Rights. *Uses of cable other than for the transmission of TV and radio programs should be allowed only with the approval of the community board, after extensive public hearings. "Tapping" of cable communications should be absolutely forbidden. There should be severe penalties for violation of these provisions.*

Two-way cable communications can be "tapped." Two-way cable may allow someone to check up on what you are watching or listening to, or what information you have requested. Cable can also be used for surveillance of community activists and others. There are probably other dangers we haven't even imagined yet. In Newark, all such uses would require approval of the regulatory agency. The Urban Institute proposed rules that would forbid taps or monitoring of communications without written consent of all parties concerned, would require a light and sound signal on the home set whenever monitoring was going on, and would provide the subscriber a switch to prevent monitoring.

The problems of privacy and civil rights in relation to cable are discussed in much more detail in Chapter 5.

Like most modern technologies, cable can be abused—cable communications can be monitored or tapped, and information about subscribers' viewing habits and other matters gathered by cable may be used in ways which many people might object to. There is no guaranteed way to guard against such abuses by technological means alone. Some groups feel that communities should not allow cable at all because of these dangers. SMAP feels the benefits are worth some degree of risk, but that Somerville should take every possible step to prevent abuses. All possible safeguards of privacy and human rights should be written into the franchise. The present franchise contains *no* protection whatever.

Tapping of cable communications by *anyone* for *any reason* should be absolutely forbidden by the franchise.

Monitoring of cable communications should be permitted only with specific permission from the Board and the Issuing Authority, given after public hearings; *and* specific *written* permission from each individual involved in any way in the communication. Such permission should be required on every occassion; permission should not be made a requirement for subscribing to cable services, or a condition for receiving reduced rates.

The franchise should require the company to install the best available technology to prevent tapping and unauthorized monitoring, including incription devices, scrambling mechanisms, cable locks, switch-out devices on home terminals or other effective methods. The company should be required to use all available methods for detecting tapping or illegal monitoring.

Neither the company, nor any other person or agency should be allowed to sell or disclose information obtained by cable or by any operation of the cable system (including subscriber lists, information about viewing habits, and so on) without the specific consent of the Board, the Issuing Authority and all individuals concerned.

The adequacy of these safeguards, and any abuses discovered should be a major concern of the Community Board. Violation of these provisions by the company should be made grounds for immediate revocation of the franchise.

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PUBLIC ACCESS AND COMMUNITY SERVICES

Communities should avoid giving out cable franchises just because some operator wants to start a new business venture. The only reasons for getting into cable are the economic benefits and communications services it can offer. Issues related to public access are discussed in detail in Chapter 4 and are only summarized here.

Public Access Channels. *At least one channel should be available free for public access programming (two or more in larger communities). Additional channels should be added as needed. Access channels should provide for use by both regular and one-time programmers and for city-wide and subdistrict programming. Adequate channels should also be required for governmental and educational access use.*

The FCC now guarantees at least one channel will be free to the public on a first-come-first-served basis (in addition to one channel each for government and educational uses.) Many people feel this is insufficient.

A New Jersey study, "Crossed Wires," suggested as many as three such channels, depending on the size of the community. New York City's cable franchises require two access channels, one for regular programs—for example a weekly show for the deaf—and the other for one-time or irregular users.

An additional question is whether the access channels should be subdistricted if the system as a whole is not. It may be useful if some channels or some of the time available are devoted to programs to be seen only in particular neighborhoods (which would allow many different programs to be going on at the same time.) The remaining channels or time could carry programming to be seen throughout the city.

A draft franchise for Dayton proposed two channels each for municipal, educational and public access—one for use within each franchising district and the other for interconnection throughout the metropolitan area. The town of Wakefield proposed three channels each for the town, education and public access. It provides for adding more if the total capacity of the system exceeds 30 channels. The franchise in Quincy, Massachusetts, requires a minimum of four channels for the three kinds of access—but the number can go up to a maximum of 20% of total system capacity.

The Boulder franchise allocated three private channels to the public schools and the University of Colorado on an experimental basis, in addition to the one channel required by the FCC. In order to keep these channels, the schools will have to produce programming at least two hours a day, five days a week, on each channel. The company is required to provide advice and technical assistance to the schools.

SUBSCRIBER SIZE
OF U.S. CABLE SYSTEMS
JUNE, 1973

20,000 and over	31
10,000 to 19,999	119
5,000 to 9,999	252
3,500 to 4,999	176
2,000 to 3,499	417
1,000 to 1,999	545
500 to 999	587
50 to 499	810
49 and under	42
not available	53
TOTAL	**3,032**

(Source: *Television Factbook*, 1973-4)

In an unusual and controversial plan, the Detroit Study Committee proposed allocating two public access channels, three municipal channels, seven educational channels (plus 20% of any eventual channel capacity over 36), and *ten* community channels (plus 15% of capacity over 36.) The "community" channels would be controlled by elected community boards in each of at least five cable districts.

Under current FCC interpretations any increase over the FCC channel requirements needs special permission from the Commission. The FCC requires proof the extra channels are needed and will be used. In commenting on this problem, the Detroit group said:

> The Committee's allocation of channels for public services exceeds that imposed by the FCC. . . However, the Committee believes that its allocations are necessary if cable is to achieve its public service as well as commercial potential. Thus, an FCC waiver should be sought to allow the City to impose these additional channel allocation requirements. Since the Committee could have recommended that the City be divided into separate franchise areas which could have resulted in about this many community channels, the fact that a centralized system is recommended should not reduce the number of community channels.

Production Facilities. *Program production equipment (including studio and editing facilities) should be provided free in amounts sufficient to meet the demand for community access programming. This should include portable half-inch videotaping equipment, and equipment for editing and cablecasting programs recorded on half-inch tape.*

Although the FCC requires free use of the access channel, operators can charge for use of equipment and facilities (except for live presentations up to 5 minutes.) The costs can be substantial, and can be a real barrier to community use of the channel.

The Community Video Center, in Washington, D.C., proposed requiring free access to production equipment and studio facilities in the neighborhoods served, and a fund to subsidize production costs for the poor. The fund would come from the operator's profits, city fees and other sources.

The proposed Newark franchise would require the operator to provide, free, complete studio and editing facilities for public access programming—including portable equipment. This facility would be owned by a "Programming Resource Center" which would train community people and facilitate program production.

Under the Oakland franchise, the city can use the company's studio facilities for 20 hours each week, and a mobile van unit for 10 hours. The schools can use both the studio and the van for 20 hours each week. Use of the studio includes the assistance of operators and technicians.

Some franchises propose special funds to support access, usually requiring the operator to contribute a percentage of gross revenues. Such plans are a frequent basis for requesting the FCC to allow a 5% rather than a 3% fee to the city or town. Funding of access is discussed further in Chapter 4.

Training and Technical Assistance. *Training and technical assistance should be provided to community access programmers free of charge.*

Some recent franchises require operators to provide free training and technical assistance to programmers using the access channels. Such assistance should be provided by the regular staff of the system. In Somerville, Warner has hired a very active public access coordinator. Despite the company's lack of financial support, she has run an effective series of training workshops and has succeeded in interesting a wide range of community people in producing access programming.

Educational Access. *Use of educational channels should be open to all educational organizations. Adequate free cable connections, service and equipment should be provided to make educational use of cable a reality.*

Use of the educational channels should not be limited to the local school board. The Madison franchise, for example, includes "education-related resource agencies" such as libraries and museums, and "agencies with supplemental educational functions" such as boy and girl scouts, the state health department, hospitals and so on. Private, parochial and free "alternative" schools should certainly be able to use the channels. Such broad usage may require some coordinating body to allocate time and avoid conflicts among users.

> Educational uses of cable may be among the most important for Somerville. In our opinion the franchise should require the company to provide specific designated amounts of equipment and training for the use of educational programmers. Many groups and individuals who are concerned about education do not have ready access to funds or equipment for program production; they should not be excluded from the use of the educational channel.
>
> The franchise should specify that the channel will be available for use by public, parochial, private and free schools, as well as the Teachers' Association, student groups, groups of concerned parents, and others involved in the educational process. To facilitate use of the channel and deal with scheduling, a representative body of educational programmers should be formed with the assistance of the Community Board. This Council should be generally responsible for overseeing the operation of the channel and bringing complaints and problems to the Board.
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> *– Somerville Media Action Project*

The company should also be required to provide adequate connections and service. Many franchises call for only one free connection in each school. By contrast, the Somerville and Quincy franchises require one drop and free cable service on each floor for all existing public and private schools; wiring for a maximum of 100 classrooms; *and* a free drop and free service in *every* schoolroom built after the franchise is signed. Such provisions should be required and perhaps extended to other types of institutions such as hospitals and some government buildings.

The operator should also be required to transmit programs between production facilities in municipal or school buildings and the headend.

Community Information Centers. *To extend educational and other services to residents of the community who are not cable subscribers, the community board should consider establishing community information centers.*

Many people who would benefit from cable's information resources and public services may decide not to subscribe—either because they cannot aford to or for other reasons. Community information and service centers could be created where non-subscribers could go to take advantage of these services. Such centers might have regular TV receivers as well as two-way terminals for interactive educational programs, access to information banks, and other purposes. This might make two-way services possible long before they are economically feasible in every home. Such centers might also solve part of the privacy problem: if centers were on a separate cable trunk, there would be no need for two-way connections (with their threat to privacy) in individual homes.

Local Origination. *The cable operator should be required to provide specified amounts of local news and information programming and local services on the origination channel. A large proportion of this programming should be produced locally.*

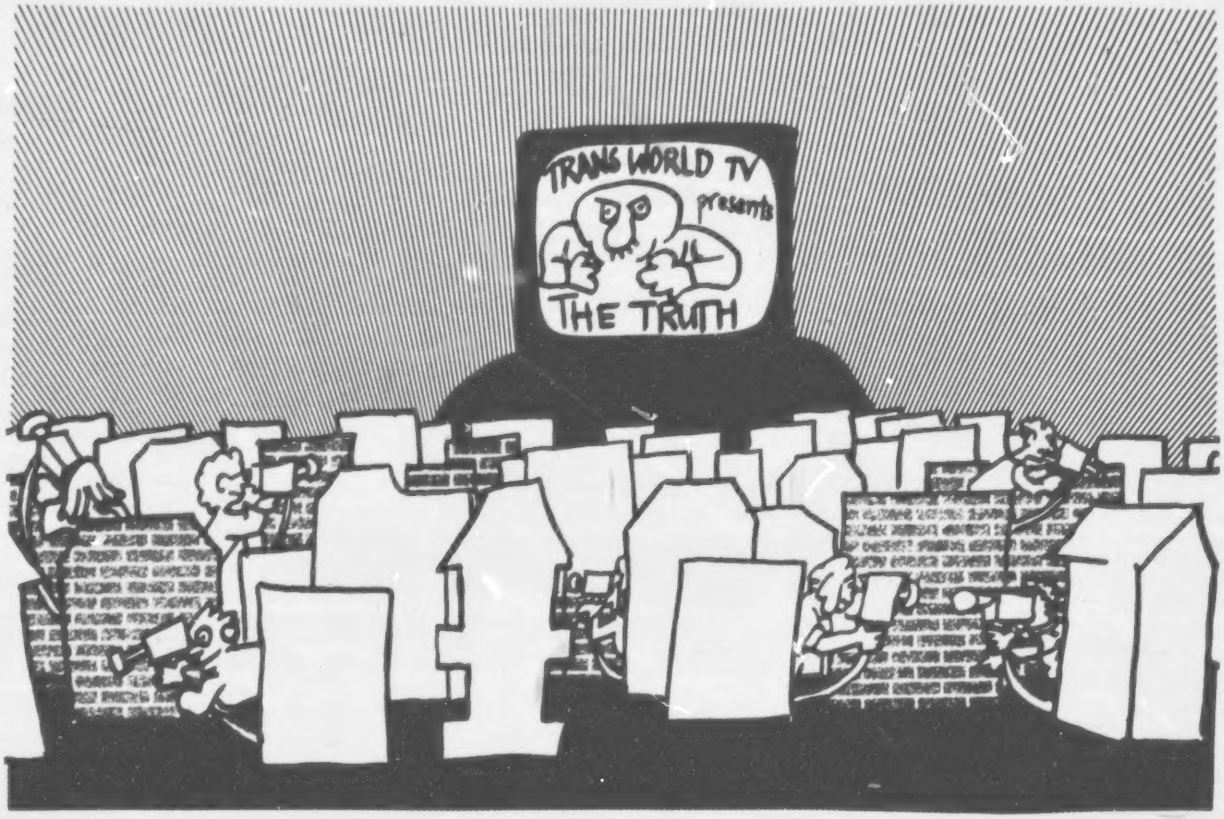
Origination cablecasting is programming created and provided by the system operator; the FCC requires origination by systems with more than 3,500 subscribers. This can be an important source of local news, information and services, and the community should set clear requirements for the operator. The Newark proposal would require the cable operator to do at least 20 prime-time hours of local programming per week. Both the Boulder franchise and a franchise proposed for Milwaukee would require at least 50% of all origination programming to be locally produced (rather than old movies or syndicated programs.)

Radio Signal Carriage. *The system should carry locally available FM radio stations, and should provide additional FM signals on a leased basis. There should be public access programming via FM radio as well.*

Several hundred FM radio channels can be carried in the same amount of "channel space" as one TV signal. This can provide an important additional communications service for the community. The cost of cablecasting FM radio signals is so tiny that groups could run FM radio stations via cable for almost nothing. This has been done extensively in Canada, and is of particular interest to many educators.

New Jersey's "Crossed Wires" study suggested setting aside three channels for FM rebroadcasting and leasing, and allowing advertising to encourage local radio stations to be started.

In addition, distant radio signals could be brought in at low cost by short-wave and might make available a wide variety of programming, including foreign-language stations from abroad.



Public access can help community groups break the grip of the media monopolies . . .

AFTER THE FRANCHISE IS GRANTED

The struggle doesn't end when the franchise is given out. Cable system operations must be carefully monitored to make sure the company lives up to their promises. City officials or the community board may be officially responsible for watching over the franchise; but other groups should still keep a careful eye on what is going on.

If the operator fails to perform adequately, there are a number of ways to deal with the situation. It may be possible to stop a franchise from being approved, or to have it modified and improved.

THE MASSACHUSETTS CATV COMMISSION

Community groups can petition the state Commission to refuse to approve a franchise if they are not satisfied with its terms.

In addition, the Commission has broad powers to investigate the granting or provisions of cable licenses or the operation of cable systems; it can act on its own initiative or can be requested to act by the Consumers' Council *or by a petition of 10% of the subscribers who are either taxpayers or registered voters.* If its investigation finds violations of state law or of the Commission's regulations, it can order a franchise changed, suspended or revoked.

THE ISSUING AUTHORITY

Legally, only two parties are involved in negotiating a franchise—the company and the issuing authority. Thus it is the issuing authority who has the legal power to enforce the terms of the license. If the authority is truly responsive to the community, or is willing to delegate power to the community board, this may work out fine. If not, the license may not be adequately enforced. Somerville groups have felt that because their mayor didn't consider the views of residents in negotiating with the company, he failed to take a tough enough line in enforcing the franchise. Somerville has had trouble getting its cable operator to live up to many of its promises, often because of the mayor's failure to take effective action.

The state Commission has issued new procedures for making changes in local franchises. These procedures, however, do not allow the public to initiate changes. The process must be started by the authority and/or the company. (See page 66.)

If the issuing authority is not helpful, community groups may need to mobilize their political muscle to force action. Community groups can also mobilize in other ways, perhaps calling for a boycott of the cable company. Actions, or lack of action, by the issuing authority can also be appealed to the state Commission.

We don't think that the 1972 franchise adequately protects the interests of the citizens of Somerville. It is vague in a number of areas, and fails to deal with important issues. The question is, what can be done?

In our opinion, the 1972 franchise was improperly granted, since the public hearing required by the Massachusetts Cable Television Regulations of 1971 was not held. Thus the public had no opportunity to participate in deciding whether this franchise is in the public interest. Furthermore, the 1972 franchise states "The entire system is to be constructed and operational by March 1, 1973. Time is to be of the essence." As of March 1, the system was nowhere near completion. . . We think that the mayor could legally revoke the franchise. Indeed, we think it is his responsibility to do so. . . Somerville could then begin the process of granting a cable franchise under new procedures, set out by the Massachusetts state Cable Commission, which require a considerable degree of citizen participation.

Given the serious questions about the legality of the franchise, and the fact that the company has not lived up to its conditions anyway, we feel strongly that we and all the citizens of Somerville have a right to demand that the mayor take action on this matter.

Negotiations should not go on merely between the representatives of the mayor and the company, as in the past. There must be a chance for the public to participate. Therefore, we think it is necessary for representatives of the public to be involved in the renegotiation process at all stages.

– Somerville Media Action Project

THE FEDERAL COMMUNICATIONS COMMISSION

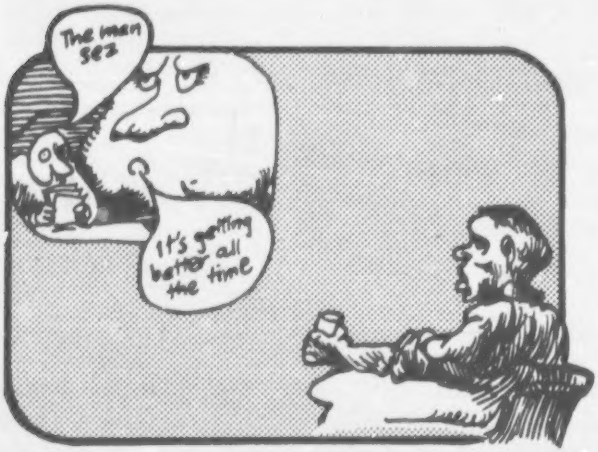
Certificate of Compliance. Before a cable system can carry broadcast signals it must have a certificate of compliance from the FCC; in effect this is an FCC license to operate, since few cable systems can survive economically without broadcast programming. The operator must first have a local franchise, and must then show the FCC that it meets FCC standards on access channels, local origination plans, construction scheduling, rate setting procedures, and other things. The operator must also prove that the franchise was granted after a "full public proceeding affording due process."

The FCC certification process might allow community groups to challenge a franchise they are not satisfied with. Theoretically, anyone can oppose the granting of a certificate; so far, however, few if any objections have been filed by municipalities or community organizations.

The first problem is getting to see the application. The FCC requires all comments and objections to be filed within 30 days. While the operator must make the application "publicly available," if groups don't know when it is filed, they may miss the deadline. The franchise could require the operator to give notice in local papers *before* the application is filed, or the municipality could require the application to be drawn up before the franchise is even granted.

Groups filing comments or objections should become officially recognized as "interested parties" entitled to notification of any future company requests for amendments or variances.

Groups can object to any aspect of the franchise, but the FCC is most likely to act on clear violations of FCC requirements.


The man sez
It's getting all better all the time

Somerville Media Action Project

In addition to objecting to bad provisions, groups may want to support provisions they favor. If a franchise's provisions exceed FCC standards it may require special approval, and the FCC is more likely to agree if a wide range of community groups support the special provisions.

The Commission is far more concerned with the wishes of the industry than of the people. It should be understood that there is no evidence that the FCC will pay any attention to protests from community groups, particularly if there are no outright violations of FCC rules. Groups should not have very high expectations, but it is still worth a try. If many groups begin putting pressure on the FCC, eventually it may take some notice.

Petitions for Special Relief. After a system is in operation, the operator, the local government, a broadcasting station, or any "interested person" may apply for special relief from any FCC rule. Community groups might use these procedures to protest bad performance by a cable operator, but this is not very likely to succeed. More importantly, community groups should be aware if the operator files petitions to get out of its promises or legal obligations. A group should send a formal letter to the operator, licensing authority, and the FCC stating that as an "interested party," it demands to be notified of any such petitions.

A good guide to these procedures is "Cable Television: Citizen Participation After the Franchise," a booklet put out by the Rand Corporation (see Bibliography).

Somerville Media Action Project

photo by Edwards & Moore

APPENDIX

A

DOING RESEARCH ON CABLE COMPANIES AND THEIR OPERATIONS

If you are actively involved in planning a cable franchise, deciding who it should be granted to, or just trying to find out what is going on and who is involved in cable in your town, you may need more information than is available in the local media. In particular, you may want to find out more about the cable company which holds or is applying for a license: Is it a local company or a subsidiary of a large national corporation? Who owns the company, and who controls it? Where else do they have operations and how well have they performed?

FEDERAL COMMUNICATIONS COMMISSION FILINGS

Cable operators must apply to the FCC for a "Certificate of Compliance" before they can carry broadcast signals.

The application should include the local franchise and statements showing that the operator's plans for signal carriage, management of access channels and other matters are consistent with FCC requirements. Also, a copy of FCC Form 325, "Annual Report of Cable Television Systems," which contains other information about the company's plans and operations.

The application must be "served" on the local issuing authority, and made available for public inspection at the office of the issuing authority or some other place in the community, at the company's offices, and at the FCC. Objections can be filed within 30 days.

Objections to the FCC application, petitions for "special relief" from FCC requirements, requests for amendments in the application, and so on must be served on the authority and "any other interested person." Your group should write the issuing authority and the FCC requesting to be considered an "interested person" entitled to be notified of such filings.

The operator must file with the FCC a copy of the rules it sets up for the educational, governmental, public access and leased channels. It must also file "Annual Report of Cable Television Systems" (FCC Form 325), "Cable Television Annual Financial Report" (FCC Form 326), and "Computation of Cable Television Annual Fee" (FCC Form 326-A). These filings are public records, but they do not have to be filed with the issuing authority unless required by the franchise.

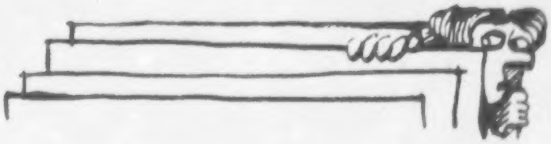
FILINGS REQUIRED BY MASSACHUSETTS REGULATIONS

Probably the most useful sources of information about a local cable company will be found in the applications and other filings required by the state CATV Commission. See page 68 for information about these filings.

MASSACHUSETTS PUBLIC INFORMATION LAW

As a rule, you should not have any trouble getting access to Massachusetts public information. All required state filings can be examined at the Commission office. The Commission staff are generally helpful, though sometimes a little disorganized.

However, many communities are too far from Boston to be able to come in to look at forms at the Commission. All the information available at the Commission *should* also be available at the offices of the local issuing authority and the system operator. City bureaucrats and company employees, however,



are less likely to be aware of the public information requirements of state law, and you may run into some trouble in getting them to let you see the information you need. Remember: Information which is required to be public is *public*. Period. You do not have to tell anyone why you want it or who you are (although you might want to, just to make things easier) and you don't have to submit any kind of formal request. Stand on your rights. (The 1973 Legislature updated the state's public information rules. The new law is Chapter 1050, Acts of 1973, and takes effect on July 1, 1974.)

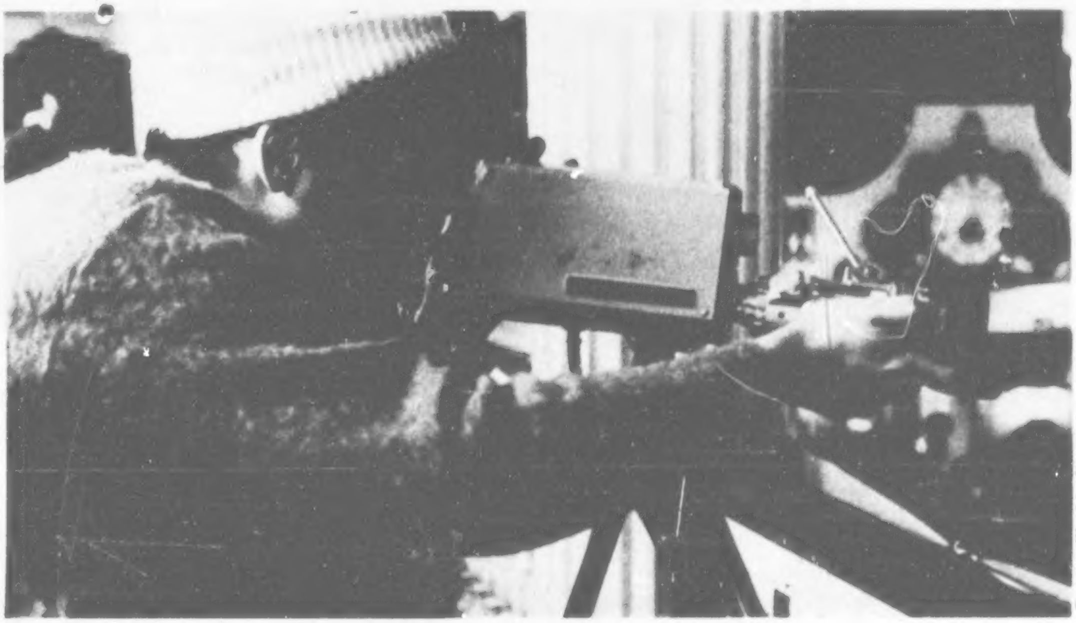
The bibliography contains a number of general sources on the cable industry—its history, economics, legislation and so on. For looking into current problems note especially the periodicals, newsletters and other sources that are frequently updated, such as *Cable Sourcebook* and *Television Factbook*. For doing detailed research on particular companies, the following guides may be helpful.

NACLA Research Methodology Guide. North American Congress on Latin America, P.O. Box 57, Cathedral Park Station, New York, N.Y. 10025. Single copies $1.00 plus $.25 postage. Contains a section specifically on media companies, but the whole booklet is full of useful suggestions about how to research the ownership and operations of American corporations.

Open the Books: How to Research a Corporation. Community Press Features, c/o UPA, 639 Massachusetts Ave., Cambridge, Mass. 02139. Write for price, out soon. Excellent new handbook on corporate research, with examples drawn from local organizing campaigns. Includes a section on how to obtain and understand corporate annual reports.

People Before Property: A Real Estate Primer and Research Guide. Community Research and Publications Group, Urban Planning Aid, Inc., 639 Massachusetts Ave., Cambridge, Mass. 02139. $1.50. Primarily about how to research real estate holdings, but also has good ideas on how to use Massachusetts information sources to find out about local companies. Especially good sections on getting corporate records from the Massachusetts Secretary of State's office (Chapter 8), on locating court records (Chapter 10), and on local public and business libraries (Chapter 12.)

Researching the Governing Class of America, by William Domhoff. $.10 per copy from New England Free Press, 60 Union Square, Somerville, Mass. 02143. A short background paper on the major power-structure research sources.



Somerville Media Action Project

B

CORPORATE OWNERSHIP OF MASSACHUSETTS CABLE SYSTEMS

The trend in ownership of Massachusetts' cable systems is toward increasing concentration. All over the state, small local systems have been bought up by national conglomerates and "Multi-System Operators." Sometimes these have been operating systems, but there have also been cases of "trafficking" in undeveloped franchises. An example is the Cablevision Corporation of America holding of 11 Boston-area franchises which Herbert Hoffman sold to Warner. The Boston *Globe* reported that friends of Mass. Secretary of State John F.X. Davoren were involved in license trafficking in Milford and Hopedale.

The following information about major cable companies operating in Massachusetts gives an indication of the extent of corporate control. Much of the information comes from a study by the staff of the state CATV Commission, dated December 3, 1973, and from *Cable in Mass.* and *Cable in Mass. 2* by the Founders Annex Public Service Project. Additional information has been collected from newspaper articles and trade publications.

Parent companies are listed in bold-face capitals, while the companies in italics are the names under which the franchises are held.

ADAMS-RUSSELL CO., INC. Waltham, describes itself as "committed to government/defense markets." The company produces surveillance and data-processing equipment. Its wholly-owned subsidiary, **Aurovideo, Inc.**, owns radio and TV stations, as well as cable systems in Massachusetts, Maine and other states. According to the Boston *Globe*, A-R reported 1973 net income up 42% over the previous year, sales up 26%. Through Aurovideo, A-R has 100% ownership of:

Montachusett Cable Television, Inc., which has franchises in:

Fitchburg	operating
Gardner	operating
Leominster	operating
Lunenburg (contested)	operating

AMVIDEO CORPORATION, Boston, is a large MSO with systems in Maryland and New Jersey as well as Massachusetts. Former Milford Court Judge Francis J. Larkin and Norfolk Probate Judge J. John Fox, friends and contributers to Secretary of State Davoren according to the *Globe*, are Amvideo stockholders and directors. Amvideo owns:

Greater Milford Cable Antenna TV, Inc., with franchises in:

Hopedale	under construction
Milford	under construction

BILLBOARD PUBLICATIONS, INC., New York City, owns a number of magazines and has printing plants in the U.S. and Europe. It owns:

High Fidelity Cable Television, with franchises in:

Great Barrington	operating
Lee	operating
Lenox	operating
Stockbridge	operating

COMMUNICATIONS PROPERTIES, INC. (CPI), Austin, Texas, the nation's 9th largest MSO, is involved in microwave transmissions as well as cable operations in more than a dozen states, including Maine and Connecticut. CPI also has a sideline in oil drilling equipment and owns radio stations in Texas. There is a merger pending between CPI and Viacom, Inc. (presently MSO #7; the merger might put CPI in third place.) CPI owns Telesystems Corp., of Elkins Park, Pa., which in turn owns 100% of:

Pioneer Valley Cablevision, with franchises in:

Amherst	operating
Buckland	operating
Erving	operating
Gilbertville	operating
Greenfield	operating
Hardwick	operating
Monson	operating
Montague	operating

Palmer	operating
Pelham	operating
Shelburne	operating
Ware	operating
Warren	operating

and *Stan-Fran Corporation,* with franchises in:

Groveland	operating
Haverhill	operating

CONTINENTAL CABLEVISION, Boston, is a national MSO with operations in several states including Maine and New Hampshire, but it has only one franchise in Massachusetts. In a joint venture with the Lawrence *Eagle Tribune,* sportscaster Curt Gowdy, and other individuals it owns:

Greater Lawrence Cablevision, with a franchise in:

Lawrence	under construction

(Continental owns about 80% of Greater Lawrence; the *Eagle Tribune,* about 5%.)

CAPE COD CABLEVISION, Hyannis, is owned by Richard S. Leghorn of the Leghorn Corp., in Florida. Leghorn has cable systems in three states:

Cape Cod Cablevision has franchises in:

Barnstable	operating
Chatham	operating
Dennis	operating
Falmouth	operating
Harwich	operating
Yarmouth	operating

TelePrompTer has agreed to buy the six Leghorn-owned franchises if it can get the approval of the local authorities and the state Commission.

COX CABLE COMMUNICATIONS, INC., Atlanta, Ga., is the 6th largest MSO in the country. A pending merger with L.V.O. Cable (#11) would probably make it number five. Cox is largely (56.1%) owned by Cox Broadcasting Corporation, which owns radio and television stations throughout the country. *Variety* recently reported that Cox's 3rd quarter cable profits were up 14% over last year, while its overall revenues were up only 9%. Cox Cable owns 100% of the Tele-Systems Corp., of Atlanta, which in turn owns:

Berkshire Telecable Corp., with franchises in:

Adams	operating
Cheshire	operating
Clarksburg	operating
North Adams	operating
Williamstown	operating

Cox also has extensive cable holdings in Vermont.

GREATER MEDIA, INC. (Formerly Greater New York Media), New Brunswick, N.J., has publishing interests as well as a string of radio stations in other states. It owns:

Dudley Cablevision, Inc.; Greater New England Cablevision Co.; Greater W-D Cablevision Co.; and *Quinebaug Valley Cablevision, Inc.,* with franchises in:

Dudley	operating
Ludlow	operating
Southbridge	operating
Webster	operating
Wilbraham	under construction

GULF & WESTERN INDUSTRIES, INC., New York City, is a giant conglomerate, one of the 100 largest corporations in the world. Its subsidiary, Athena Communications Corp., is #21 on the list of the country's largest MSO's, with holdings in more than a dozen states. Another subsidiary is involved in developing pay cable systems. Athena has a substantial controlling interest (80%) in:

International Telemeter of Bristol County, Inc. and *International Telemeter of New Bedford, Inc.,* which have franchises in:

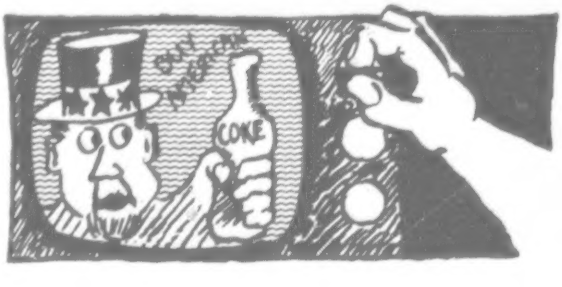
Acushnet	under construction
Dartmouth	under construction
New Bedford	under construction
Fairhaven (contested)	not under construction

New Bedford issued a second license to Whaling City Cable TV, Inc., a local company. Gulf & Western went to court to get an injunction to stop Whaling City, but lost, so both franchises are currently valid. G&W also owns the Morse Tool plant in New Bedford.

THE PROVIDENCE JOURNAL COMPANY, Providence, R.I., publishes the Providence newspaper, owns two radio stations, and cable systems in Rhode Island. It owns (100%) **Colony Communications, Inc.** Colony, in turn owns 81% of:

Video Enterprises, Inc., with franchises in:

Holyoke	operating
South Hadley	operating



Through a subsidiary, Greater Boston Cable Corp., Colony also owns 80% of:

Colonial Cablevision, with franchises in:

Billerica	operating
Burlington	operating
Revere	operating
Stoneham	operating
Wilmington	operating
Woburn	operating
Easton (contested)	not under construction
Falmouth (contested)	not under construction

SPECTRUM COMMUNICATIONS, INC., Springfield, is the only independently financed system of any size in the state. In addition to cable systems the company is planning to get into manufacturing communications hardware. One of the company's directors is William Dwight, Jr., executive of the Holyoke *Transcript-Telegram*, and brother of Lieutenant Governor Dwight. However, Dwight appears to own only 1% of Spectrum. The company's cable subsidiary:

Spectrum Cable Systems, Inc., has franchises in:

Agawam	operating
West Springfield	operating
Westfield	operating

TELEPROMPTER CORPORATION, New York City, is far and away the biggest cable operator in the country, although not in Massachusetts. It has cable operations all over the country, including Connecticut, Maine and New Hampshire. The principal owners of TelePrompTer are Jack Kent Cooke, who has holdings in a number of other cable companies, the Wrather Corp., and Hughes Aircraft (Howard Hughes). Hughes Aircraft is a major manufacturer of communications satellites, which will be used to interconnect cable systems. TPT has subsidiaries involved in telephone interconnection, TV surveillance for industry, film production, security systems and other cable services, and marketing research; it also owns Muzak. Hughes subsidiary, Theta-Com, develops pay-cable systems. TelePrompTer's Massachusetts franchises were acquired through purchase of Parker Cablevision, a small Massachusetts firm. TPT is also interested in acquiring the six franchises held by Cape Cod Cablevision.

TelePrompTer of Worcester, Inc. has franchises in:

Auburn	operating
Leicester	operating
Oxford	operating
Spencer	operating
Worcester	operating

WARNER COMMUNICATIONS, INC., New York City, is the largest system owner in Massachusetts, and the second largest in the country. Warner is a huge media conglomerate which owns Warner Bros. Motion Pictures and Television; Warner Reprise and Electra records as well as other labels; *Mad, Ms.*, and other magazines; DC Comics; Panavision; and other companies. Warner is listed by *Fortune* as the 24th fastest growing company on the magazine's "top-500" list. One subsidiary, Gridtronics, is the largest company operating in the development of pay-cable; another, Goldmark Communications Corp., is developing advanced services to be offered via cable, including Faxmail. Warner has cable holdings all over the country, including Maine, New Hampshire and Vermont. It is presently licensed to serve about 10% of the total households in Massachusetts—30% of the households in communities where franchises have been granted. Warner's cable operation are organized under its wholly-owned subsidiary Warner Cable Corp., which in turn owns:

Warner-TVC Corporation (formerly Television Communications Corp.) which has franchises in:

Amesbury	operating
Athol	operating
Brockton	under construction
Chelsea	operating
Dalton	operating
Everett	operating
Foxborough	under construction
Lowell (contested)	under construction
Malden	operating
Medford	operating
Orange	operating
Peabody (contested)	not under construction
Pittsfield	operating
Quincy	under construction
Richmond	operating
Salem (contested)	not under construction
Somerville	operating
Winthrop	operating

Warner's Massachusetts franchises were all acquired by buying out local companies: Cablevision Corporation of America; Mohawk Valley Cable-TV, Inc.; and Pittsfield-Dalton Cable TV, Inc. *Variety* reported that despite greatly increased costs for interest on financing cable expansion, Warner's gross revenues were up 13% for the third quarter over last year, and its cable gross was up 14%.

C

CABLE TELEVISION FRANCHISES IN MASSACHUSETTS

The following list of Massachusetts cable franchises is based on form 100 applications on file with the state CATV Commission, as compiled by the Commission staff. It is current as of *December 3, 1973*. The figures on occupied housing units are from *Cable in Mass. 2*, a booklet published by the Founders Annex Public Service Project (see Bibliography) and are included as an indication of the *potential* subscribers for each system. (The figures are derived from the 1970 U.S. Census of Housing.)

The notation that a system is "operating" does not necessarily mean that construction of the system is completed, that full cable services are being provided, or that the operator has met all the requirements of its franchise. Just before March 31, 1972, when the new federal regulations went into effect, a number of systems which had not been in operation before suddenly wired up a few subscribers in order to be "grandfathered." Some of these systems have not done much more since then. As an indication of *how long* systems have been operational, we have included both the notations from the CATV Commission list of December 3, 1973, and the notation on status from *Cable in Mass. 2*, which was compiled during 1971-2.

CABLE FRANCHISES AND OPERATING SYSTEMS IN MASSACHUSETTS, DECEMBER 3, 1973

Municipality	County	Occupied Housing Units	1971-2 Status	Franchise Holder
Municipally Owned, No Construction as of December 3, 1973 (Total: 6)				
Ashburnham	Worcester	1,335	unlicensed	Municipal
Concord	Middlesex	4,339	unlicensed	Municipal
Middleborough	Plymouth	6,064	unlicensed	Municipal
Reading	Middlesex	6,386	unlicensed	Municipal
Sterling	Worcester	1,210	unlicensed	Municipal
Wakefield	Middlesex	7,699	licensed	Municipal
Licensed, No Construction as of December 3, 1973 (Total: 9)				
Easton	Bristol	3,189	contested	[1]Colonial (Colony)/Revere
Fairhaven	Bristol	5,165	unlicensed	[1]Int'l Telemeter (G&W)
Falmouth	Barnstable	7,315	unlicensed	[1]Cape Cod/Colonial (Colony)
Framingham	Middlesex	18,991	licensed	[1]Middlesex Cablevision
Grafton	Worcester	3,097	licensed	
Marlborough	Middlesex	8,357	licensed	Borough Cablevision
Peabody	Essex	14,142	licensed	[1]Warner
Salem	Essex	13,631	licensed	[1]Warner
Uxbridge	Worcester	3,678	licensed	Uxbridge Cable Television

Licensed, Under Construction as of December 3, 1973 (Total: 11)

Acushnet	Bristol	2,282	licensed	Int'l Telemeter (G&W)
Brockton	Plymouth	27,688	licensed	Warner
Dartmouth	Bristol	5,947	unlicensed	Int'l Telemeter (G&W)
Foxborough	Norfolk	5,165	contested	Warner
Hopedale	Worcester	2,192	licensed	Amvideo
Lawrence	Essex	23,229	licensed	Greater Lawrence (Continental)
Lowell	Middlesex	30,044	contested	[1] Warner
Milford	Worcester	10,564	licensed	Amvideo
New Bedford	Bristol	35,423	contested	Int'l Telemeter/Whaling City
Quincy	Norfolk	28,488	unlicensed	[1] Warner
Wilbraham	Hampden	4,371	licensed	Greater Media

Operating as of December 3, 1973 (Total: 74)

Adams	Berkshire	7,187	operating	Berkshire (Cox)
Agawam	Hampden	6,843	licensed	Spectrum
Amesbury	Essex	6,904	licensed	Warner
Amherst	Hampshire	7,300	operating	Pioneer (CPI)
Athol	Worcester	7,163	operating	Warner
Auburn	Worcester	4,516	licensed	TelePrompTer
Barnstable	Barnstable	7,108	operating	Cape Cod
Billerica	Middlesex	7,995	licensed	Colonial (Colony)
Buckland[2]	Franklin		operating	Pioneer (CPI)
Burlington	Middlesex	5,237	operating	Colonial (Colony)
Charlemont	Franklin	300	operating	Charlemont TV
Chatham	Barnstable	2,310	operating	Cape Cod
Chelsea	Suffolk	9,929	licensed	Warner
Cheshire	Berkshire	1,215	operating	Berkshire (Cox)
Clarksburg	Berkshire	593	operating	Berkshire (Cox)
Colrain[2]	Franklin	421	unlicensed	
Dalton	Berkshire	2,180	operating	Warner
Dennis	Barnstable	3,075	operating	Cape Cod
Dudley	Worcester	2,414	operating	Greater Media
Erving	Franklin	405	unlicensed	Pioneer (CPI)
Everett	Middlesex	13,761	licensed	Warner
Fitchburg	Worcester	14,034	operating	Montachusett (Adams-Russell)
Florida[2]	Berkshire	300	unlicensed	
Foundry Village[2]	Middlesex			
Gardner	Worcester	6,284	operating	Montachusett (Adams-Russell)
Gilbertville	Worcester			Pioneer (CPI)
Griswoldville[2]	Franklin			
Great Barrington	Berkshire	3,570	operating	High Fidelity (Billboard)
Greenfield	Franklin	11,549	operating	Pioneer (CPI)
Groveland	Essex	1,479	operating	Stan-Fran (CPI)
Hardwick	Worcester	739	operating	Pioneer (CPI)
Harwich	Barnstable	2,717	operating	Cape Cod
Haverhill	Essex	15,233	operating	Stan-Fran (CPI)
Holyoke	Hampden	17,111	operating	Video Enterprises (Colony)
Lee	Berkshire	2,877	operating	High Fidelity (Billboard)
Leicester	Worcester	3,316	operating	TelePrompTer
Lenox	Berkshire	2,371	operating	High Fidelity (Billboard)
Leominster	Worcester	10,019	operating	Montachusett (Adams-Russell)
Leyden[2]	Franklin	300	unlicensed	
Ludlow	Hampden	5,131	operating	Greater Media

Lunenburg	Worcester	2,202	operating	[1] Montachusett (Adams-Russell)
Malden	Middlesex	18,802	operating	Warner
Medford	Middlesex	19,547	licensed	Warner
Monroe [2]	Franklin	300	unlicensed	
Monson	Hampden	2,560	operating	Pioneer (CPI)
Montague	Franklin	2,843	operating	Pioneer (CPI)
Nantucket	Nantucket	2,367	licensed	Nantucket Cablevision
North Adams	Berkshire	6,298	operating	Berkshire (Cox)
Orange	Franklin	3,323	operating	Warner
Oxford	Worcester	4,439	licensed	TelePrompTer
Palmer	Hampden	5,038	operating	Pioneer (CPI)
Pelham	Hampshire	300	operating	Pioneer (CPI)
Pittsfield	Berkshire	18,316	operating	Warner
Revere	Suffolk	14,026	operating	Colonial (Colony)
Richmond	Berkshire	413	unlicensed	Warner
Shattickville [2]				
Shelburne	Franklin	1,345	operating	Pioneer (CPI)
Somerville	Middlesex	28,999	licensed	Warner
South Hadley	Hampshire	4,737	operating	Video Enterprises (Colony)
Southbridge	Worcester	10,600	operating	Greater Media
Spencer	Worcester	4,725	operating	TelePrompTer
Stockbridge	Berkshire	1,175	operating	High Fidelity (Billboard)
Stoneham	Middlesex	6,395	licensed	Colonial (Colony)
Ware	Hampshire	2,791	operating	Pioneer (CPI)
Warren	Worcester	1,705	operating	Pioneer (CPI)
Webster	Worcester	9,518	operating	Greater Media
West Springfield	Hampden	9,294	licensed	Spectrum
Westfield	Hampden	9,464	licensed	Spectrum
Williamstown	Berkshire	3,544	operating	Berkshire (Cox)
Wilmington	Middlesex	4,337	licensed	Colonial (Colony)
Winthrop	Suffolk	6,392	operating	Warner
Woburn	Middlesex	10,508	operating	Colonial (Colony)
Worcester	Worcester	56,606	operating	TelePrompTer
Yarmouth	Barnstable	4,345	operating	Cape Cod

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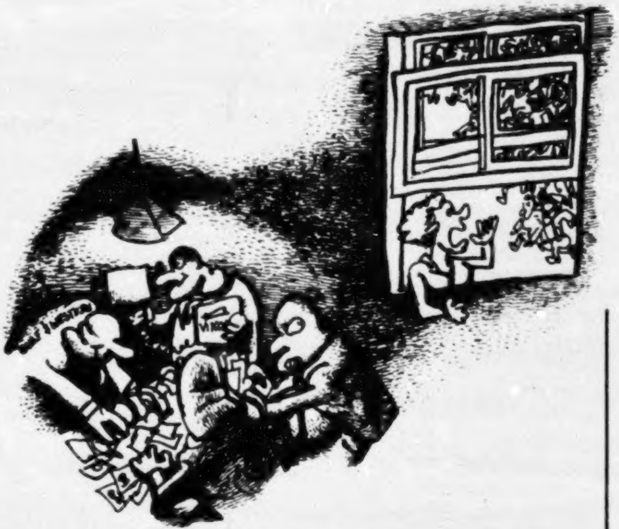
1. Currently contested. In most cases the company has what it considers to be a valid franchise but the community regards the franchise as cancelled. The Lowell dispute is currently in court. Although the state Commission has approved the Quincy franchise (see page 65) another company has contested the award before the FCC, which must decide whether or not to award a certificate of compliance.

2. A locally-owned system of fewer than 50 subscribers.



D

CABLE TELEVISION RESOURCE GROUPS

Boston Consumers' Council. 1 City Hall Square, Boston, Mass. 02201 (617-722-4100). Wrote the report on which Mayor White based his recent decision not to franchise a cable system in Boston.

Black Efforts for Soul in Television (BEST). 1014 North Carolina Ave., S.E., Washington, D.C. 20003 (202-547-1286).

Cable Television Information Center (CTIC). The Urban Institute, 2100 M Street, N.W., Washington, D.C. 20037 (202-872-8888). Primarily oriented to advising public officials and other "decision makers," but information is available to community groups as well. (See Bibliography.)

Civil Liberties Union of Massachusetts. 3 Joy St., Boston, Mass. 02108 (617-227-9469). Concerned with protecting first amendment freedoms of speech, press and assembly; frequently provides free legal assistance in civil liberties cases. The American Civil Liberties Union supports the idea of cable as a common-carrier.

Federal Communications Commission. 1919 M Street, N.W., Washington, D.C. 20554 (202-655-4000. Cable Television Bureau, 202-632-6480).

Joseph Hill Associates. Langdell Hall, Harvard University, Cambridge, Mass. 02138 (617-491-6729). Offers free research and consultation on cable franchising to eastern Massachusetts communities; in operation June to September.

Massachusetts Consumers' Council. 100 Cambridge St., Boston, Mass. 02202 (617-727-2605).

National Cable Television Association. Public Affairs Department, 918 Sixteenth St., N.W., Washington, D.C. 20006. Lobbying arm of the cable industry.

New England CATV Association. c/o William Kenney, Box 321, Tilton, New Hampshire 03276. Voice of the cable industry in New England.

Office of Communication, United Church of Christ. 289 Park Avenue South, New York, N.Y. 10010 (212-475-2121, ext. 266). Concerned with broadcast issues; has helped prepare petitions to deny license renewals. Also interested in cable. Offers advice and occasional staff or legal assistance.

Office of Telecommunications Policy. Executive Office of the President, 1800 G Street, N.W., Washington, D.C. 20504 (202-395-5800).

People Against National Identification Cards (PANIC). P.O. Box 8487, Boston, Mass. 02114. PANIC is concerned about government surveillance and invasions of privacy via cable. They oppose the further development of cable for this reason. PANIC member Caroline Hunter was recently appointed to Governor Sargent's Commission on Privacy and Personal Data.

Publicable. c/o Dr. Harold Wigren, National Education Association, 1201 Sixteenth St., N.W., Washington, D.C. 20036 (202-833-4120).

Somerville Media Action Project (SMAP). 16 Union Square, Somerville, Mass. 02143 (617-625-7882). Strong local group working for changes in its community's cable franchise and producing public access programming.

Stern Community Law Firm. 2005 L Street, N.W., Washington, D.C. 20036 (202-659-8132). Offers legal advice on broadcasting and cable issues, especially rights of access and first amendment issues.

Urban Planning Aid, Inc.—The Media Project. 639 Massachusetts Ave., Cambridge, Mass. 02139 (617-661-9220). The Media Project has half-inch videotaping equipment available for community organizations to use and will help train people to use it. They and the Somerville Media Action Project (listed above) have a number of videotapes available which groups can rent, borrow or copy. These include tapes on housing organizing campaigns, daycare, lead paint problems, prisoners and their families, the United Farmworkers' Union, the recent WBZ-TV "Women's Fair," and many others.

E

THE MASSACHUSETTS COMMUNITY ANTENNA TELEVISION COMMISSION

The present CATV Commissioners were appointed by Governor Francis Sargent, and their terms expire when his does, in 1974. As of March, 1974, they are:

Telecommunications Expert: Hyman H. Goldin, Swampscott. Professor, Boston University School of Public Communications; former member of FCC staff. (617-353-2961).

Digital Computer Application Expert: Anthony G. Oettinger, Belmont. Harvard Mathematics Professor. (617-495-3986).

Member of Massachusetts Consumers' Council: Winifred C. Gorlin, Weston. (617-727-8003/727-3868).

Attorney: Morton H. Aronson, Needham. **CHAIRMAN OF THE COMMISSION.** Partner, Boston law firm of Grabill & Ley; former Massachusetts Assistant Attorney-General. (617-482-6450).

Educator with Experience in Telecommunications: J. Francis Reintjes, Belmont Director of MIT Electronic Systems Lab. (617-253-2141).

From City Larger Than 150,000: Charles J. Beard, Roxbury. Assistant Administrator for Health and Welfare Services, Boston Model Cities. (617-442-6602, ext. 351).

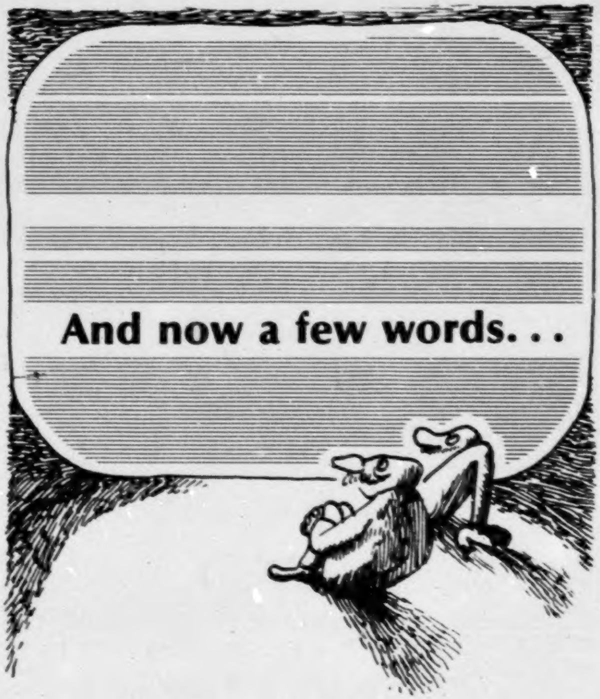
From City or Town Smaller Than 150,000: Donald Thurston, North Adams. President of Berkshire Broadcasting Company. (413-663-6567).

Jeffrey Forbes, the Commission's Executive Director, was formerly legislative assistant to the House Minority Leader, and helped write the state cable legislation. James J. Larkin is the Commission's Counsel.

License applications, advisory committee reports, provisional and final licenses, Commission decisions, and minutes of the Commission's meetings are all available for inspection at the Commission office. Except for executive sessions, Commission meetings are open to the public. Call to check time and location, or to be put on a mailing list to receive notice of public hearings and proposed new regulations:

Massachusetts Community Antenna
Television Commission
Leverett Saltonstall Building, Room 1209
100 Cambridge Street
Boston, Mass. 02202

Telephone: 617-727-6925


And now a few words. . .

CABLE TELEVISION GLOSSARY

A

ACCESS — Right or ability to use a cable system. *Access channels* of four kinds are required by the FCC: government, education, *public access,* and leased channels. All must be available on a first-come-first-served basis, for presentation of *access programming.*

AIRWAVES — Broadcast signals are transmitted *through the air* or *over the air.* These signals use the airwaves as their medium of transmission. Since each broadcast station has only one channel, it has a limited amount of *airtime,* the amount of time it is *on the air.*

ALLOCATIONS — FCC assignment of frequencies for different communications uses. Each radio or TV broadcast station is allocated a specific set of frequencies.

AMPLIFIER — Electronic device which boosts or *amplifies* the strength of a signal. Amplifiers are needed at intervals along a cable system, to keep signals up to acceptable strength.

ANTENNA — Device for receiving or transmitting broadcast signals. A large antenna is used to receive broadcast and microwave signals which are then transmitted over a cable system. The *antenna site,* usually a high hill or building, may also be where the headend is located.

AUDIO — A sound signal, such as radio, or the sound portion of a TV signal. *Audio return* is the capacity of a cable system to send sound signals from subscribers back to the headend.

B

BAND, BANDWIDTH — A section of the frequency spectrum is called a *band. Bandwidth* indicates the range of frequencies included, measured in cycles per second. A TV channel has a bandwidth of 6 million cycles per second.

BLUE SKY — Rosy projections of possible future uses of cable.

BONDS — When a state or municipality seeks a loan it issues paper called *bonds* to the lenders. *Municipal bonds* are a form of I.O.U. In Massachusetts, construction of cable systems may be financed by *general obligation bonds* but not by *revenue bonds* (see explanation on page 49.)

BRANCH NETWORK — Method of subdividing a cable system. (See *subdistricting.*)

BROADBAND — *A broadband system* is one with a large bandwidth, one which can carry a wide range of frequencies. Coaxial cables carry a range of about 250 million cycles per second, the equivalent of about 40 TV channels. Cable systems are oten referred to as *broadband communications networks (BCN's).*

BROADCAST — To send signals in all directions through the air. The *broadcast spectrum* is the range of frequencies used for all radio and TV *broadcasting.*

BUGGING — Eavesdropping on communications. (See *tapping, monitoring.*)

C

CABLECAST — To send signals through a coaxial cable instead of through the air. Sometimes also called *narrowcasting. Cablecasting* is programming on the cable system other than broadcast stations picked up off the air, even though both reach the home through the cable.

CABLE TELEVISION (Cable TV, CTV) — Communications system which uses coaxial cable to distribute signals. Formerly often called *community antenna television (CATV)* when simply used to pick up broadcast signals. *Cable television* is a broader term, including cablecast programming and other kinds of information transmission.

CABLE DISTRICT — Area served by a cable system or part of a cable system. Many groups advocate dividing large cities into several cable districts.

CABLE SYSTEM — The physical facilities for picking up, producing, and transmitting signals to subscribers. *Cable system* also usually refers to the organization or entity which operates the system.

CERTIFICATE OF COMPLIANCE — Approval by the FCC, which must be obtained before a cable system is allowed to carry broadcast signals.

CHANNEL — Band of frequencies 6 million cycles wide, which can carry a television signal. Each broadcast TV station is assigned a specific 6 million cycle channel.

CHANNEL CAPACITY — Maximum number of channels which can be carried by a cable system. If a cable can carry a range of 250 million cycles per second, it has a channel capacity of approximately 40 TV channels.

CHANNEL CARRIAGE — Manner in which a cable system carries or transmits broadcast signals. FCC channel carriage rules determine what broadcast signals a system may and must carry.

CHAPTER 166A — Section of the Massachusetts General Laws which regulates cable TV and creates the Massachusetts Community Antenna Television Commission.

CLOSED CIRCUIT — TV system in which transmitter and receiver are directly linked by cable or other means. In relation to cable, *closed circuit* is usually used to refer to a system or part of a system used by a particular group but not received by ordinary subscribers.

COAXIAL CABLE — Type of cable used to relay television signals. The constuction of coaxial cable enables it to carry a great number of signals without loss of strength or quality.

COMMON CARRIER — Communications or transportation service required to serve the general public on a first-come-first-served basis at non-discriminatory rates. The operator of the system has no control over what is carried or communicated. Telephone companies are *common carriers,* as are the railroads. While the access channels required by the FCC are operated on a common carrier basis, some groups feel that all cable operations should be run this way. In other words, that ownership and operation of the system should be totally separated from programming.

COMMUNICATIONS SATELLITES — Space satellites equipped to receive and send signals to and from the earth. Someday communications satellites may be used to interconnect cable systems.

COMPUTERS — Electronic information handling devices. Computers may be used in cable systems for switching and routing two-way communications and for storing information.

CONVERTER — Device sometimes used to convert signals carried over the cable into signals receivable by home TV sets.

COOPERATIVE OWNERSHIP — Ownership of a cable system by its subscribers. Only a few systems are presently *cooperatively owned,* mostly in small rural communities which also have cooperatively owned electrical systems.

CROSS-OWNERSHIP — Ownership of other communications businesses or systems by the person or company which owns a cable system. Both the FCC and state cable legislation forbid certain kinds of cross-ownership.

CYCLE — Each repetition of a particular wave pattern in an electromagnetic signal. Different types of signals are distinguished by different numbers of *cycles per second,* or frequency.

D

DATA CHANNEL, DATA COMMUNICATIONS — Channel used for transmitting information other than television pictures or sound. A data channel has a much smaller bandwidth than a TV channel; thousands of data signals can be transmitted in the same frequency space required by a TV channel.

DEDICATED CABLE — Cable reserved for the use of a particular subscriber or agency; not part of the main cable system.

DENSITY — Number of dwelling units passed by each mile of cable. Density is one indication of the potential profitablity of a cable system, since the more homes per mile, the cheaper it is to wire each home.

DIGITAL SIGNALS — Kind of signals usually used on data channels; also the kind used to communicate with computers. Digital signals consist of separate pulses, rather than a continuous signal.

DISTANT SIGNALS — Broadcast signals from too far away to be received by ordinary TV antennas. If carried by a cable system, also referred to as *imported signals.*

DISTRIBUTION PLANT — Cables and amplifiers used to distribute signals from the headend to the subscribers, usually attached to overhead utility poles or fed through underground conduit.

DOWNSTREAM — Signals which travel from the headend to the subscribers are said to travel *downstream.* In a one-way system, all communication is downstream.

DROP/HOUSEDROP — Cable that goes from the feeder cable into a subscriber's home.

DUAL CABLE — *A dual cable system* has two cables, usually installed at the same time for economy, and therefore double the ordinary channel capacity.

E

EDUCATIONAL CHANNEL — Channel which the FCC requires to be set aside for educational uses.

EDUCATIONAL TELEVISION (ETV) — Noncommercial TV broadcast stations carrying educational and cultural programming.

ELECTROMAGNETIC WAVE, ELECTROMAGNETIC SPECTRUM — Electromagnetic waves are signals or energy travelling in the form of pulses or waves; you can think of them as looking like waves in the ocean, though these waves cannot be seen. Different forms of *electromagnetic radiation* have different frequencies. The electromagnetic spectrum is the entire range of frequencies of these waves.

EXCLUSIVITY — Under FCC rules, local TV stations can buy exclusive rights to films or other programs. Cable systems may not carry programs which would violate these *exclusivity agreements*.

F

FACSIMILE — Electronic transmission of pictures, charts or other visual material which produces a "hard copy" or facsimile on paper at the receiving end. *Facsimile printers* may someday make possible the transmission of mail, books or newspapers via cable.

FEDERAL COMMUNICATIONS COMMISSION (FCC) — Government agency which regulates electronic communications including TV and cable.

FEEDER CABLE — Cable which connects the main trunk of the distribution system to the drop cable into individual homes.

FILTER — Electronic device which allows selected frequencies to pass, and blocks others. Used in two-way and pay-cable systems.

FM RADIO — FM stands for *frequency modulation*, one of the two methods of radio broadcasting (the other is AM, or amplitude modulation.) Cable systems can carry FM signals, either off-the-air or originated locally.

FRANCHISE — License to build and operate a cable system. (See *license*.)

FREQUENCY — Number of "peaks" of an electromagnetic wave which pass a given point in one second. Measured in cycles per second or *Hertz (Hz)*. The frequencies used in cable television are quite high, in the millions of cycles per second *(Megahertz, or MHz)*. A "channel" is defined in terms of a range of frequencies. (1 TV Channel = 6 million cycles per second = 6 MHz.)

G

GHOST — Multiple image on the TV screen caused by signals arriving at different times due to interference. Cable systems should eliminate *ghosting*.

GOVERNMENT CHANNEL — Channel required by the FCC to be set aside for use by local government.

GRADE B CONTOUR — A way of defining the area reached by a broadcasting station. Maps are available which show the grade B contours for all existing stations.

GRANDFATHERING — Exemption of a cable system from the requirements of the FCC or state regulations because it existed or was in operation before the rules went into effect. The FCC grandfathering rules only apply until 1977.

GROSS REVENUES — The operator's income, before expenses, taxes, etc. are deducted. *Gross subscriber revenues* are the total of the installation fees and monthly payments made by all subscribers.

H

HARDWARE — The physical equipment of a cable system: headend, amplifiers, cable, cameras, etc.

HEADEND — Control center where incoming television signals are amplified, filtered and converted for distribution over the cable system.

HERTZ (Hz) — Measure of frequency. One cycle per second = 1 Hz.

HOOKUP — Connection of a subscriber's home or other terminal site to the cable system.

HUB — If more than one headend is needed to serve a wide area, they are usually called hubs and are interconnected by cable or microwave.

I

IMPORTATION, IMPORTED SIGNAL — Signals from distant stations brought in by cable systems. Importation of broadcast signals is regulated by the FCC.

INDEPENDENT STATION — TV station not affiliated with one of the national networks.

INTERCONNECTION — Linking of two or more cable systems so that subscribers can see the same programming, or information can be communicated between the systems. Usually accomplished by means of cable or microwave.

INTERFERENCE — Various forms of "extra" energy which distort the TV signal received. Use of cable should reduce the interference associated with over the air broadcasting.

ISSUING AUTHORITY — See *license*.

L

LASER — Beam of light of a single frequency. *Lasers* may one day be used for cable interconnection.

LEAPFROGGING — Skipping over a nearby TV station in order to import a relatively more distant station. FCC rules limit leapfrogging by cable systems.

LEASED CHANNEL — Channel available for rental at nondiscriminatory rates. All channels not used to carry broadcast signals or for another purpose specified by the FCC must be available for leasing.

LICENSE — Permission to build and operate a cable system, granted by a city or town. The term *franchise* is more frequently used, but Massachusetts law uses the term *license*. The *licensing authority* or license *issuing authority* in Massachusetts is the mayor or city manager of a city, the board of selectmen of a town.

LIVE PROGRAMMING — Programming produced and transmitted simultaneously, rather than being recorded. Live programming is usually done in a studio, but can be done elsewhere if there is a cable connection to the headend.

LOCAL ORIGINATION — Programming produced by and under the control of the system operator, and carried on the *local origination channel*.

LOCAL SIGNALS — TV stations received by viewers with normal antennas. Cable systems are required to carry local signals.

M

MARKET, MAJOR MARKET — Metropolitan areas are ranked on the basis of how many "television households" they can "deliver" to an advertiser, and are referred to as markets. The major markets are the largest 100.

MASSACHUSETTS COMMUNITY ANTENNA TELEVISION COMMISSION — Agency created by the state legislature to regulate cable television in the Commonwealth. In this booklet, often referred to as the *state Commission* or *CATV Commission*.

MICROWAVE — Method of transmitting TV signals over the air at high frequency, and in a point-to-point rather than broadcast fashion. *Microwave relays* are used by many cable systems io import distant signals, and may also be used for system interconnection.

MONITORING — Observing a one-way cable communication, by electronic or other means. For example, a device which observed what programs or information each subscriber was receiving would be a monitoring device.

MULTIPLE-SYSTEM OPERATOR (MSO) — Company which owns and operates several cable systems. Multiple-system operators control an ever-increasing part of the industry.

MUNICIPAL CHANNEL — See *government channel*.

MUNICIPAL OWNERSHIP — Ownership of a cable system by the local city or town, with operation either as a municipal agency or department or by a special cable authority.

N

NETWORK STATION — Broadcast station affiliated with one of the national TV networks.

NETWORKING — Interconnection of two or more stations or cable systems.

O

OFF-THE-AIR — Reception of a broadcast radio or TV signal.

OPERATOR — Person or organization responsible for operating a cable system. Usually the owner is also the operator, though this need not be so.

ORIGINATION CABLECASTING — See *local origination*.

ORIGINATION POINT — Point at which taped or live programming may be inserted into the system for transmission. Often a central studio located near the headend, but there may also be neighborhood origination points linked to the headend by two-way cable or other means.

OFFICE OF TELECOMMUNICATIONS POLICY (OTP) — Agency which advises the President of the United States on communications issues. Created under Nixon.

OVER-THE-AIR SIGNALS — Broadcast or microwave signals picked up by a cable system.

P

PAY TV, PAY CABLE — System in which subscribers are charged for special programs and services not received by other viewers.

PENETRATION — The percentage of the households passed by a cable system who actually subscribe to the system. An important indication of the profitability of a system.

PRIME TIME — Hours during which TV audiences are the largest. The FCC defines prime time as being between 6:00 and 11:00 PM.

PUBLIC ACCESS — Right of the public to free use of the *public access channel* which the FCC requires of cable systems in the top-100 markets. Time on the channel must be available on a first-come-first-served basis for public access programming.

PUBLIC HEARING — An open public meeting to discuss an issue. Required at several stages in the process of granting a cable license in Massachusetts.

R

RECEIVER — Device that receives an electromagnetic signal. Usually refers to a TV set or radio receiver.

S

SATELLITE — See *communications satellite.*

SIGNAL — Electromagnetic pulse or wave which carries information. May include TV picture, sound, or digital information.

SOFTWARE — Program material such as videotapes, film, slides, scripts, records and any other information carried on a cable system. Software also includes computer programs.

SPECIAL SHOWING — Arguments and proofs which the FCC requires the cable operator and franchising authority to provide if they wish to be exempted from any FCC regulation.

STATE-OF-THE-ART — Phrase used to describe the most advanced technology available.

SUBDISTRICTING — Division of a cable system into a number of smaller interconnected systems, each of which can originate programming.

SUBSCRIBER — Person who pays to be connected to the system and receive cable services.

SURVEILLANCE — Observation by visual or other means. Two-way cable can be used to establish TV surveillance systems by which police can observe streets or other areas.

T

TAP — Connection from the subscriber's terminal to the system. Also, to make such a connection or to eavesdrop on a two-way cable communication.

TAPPING — Eavesdropping on two-way cable communications, by electronic or other means. For example, cable tapping could be used to intercept the transactions between subscribers and their banks, if there were banking via cable.

TAPE — See *videotape.*

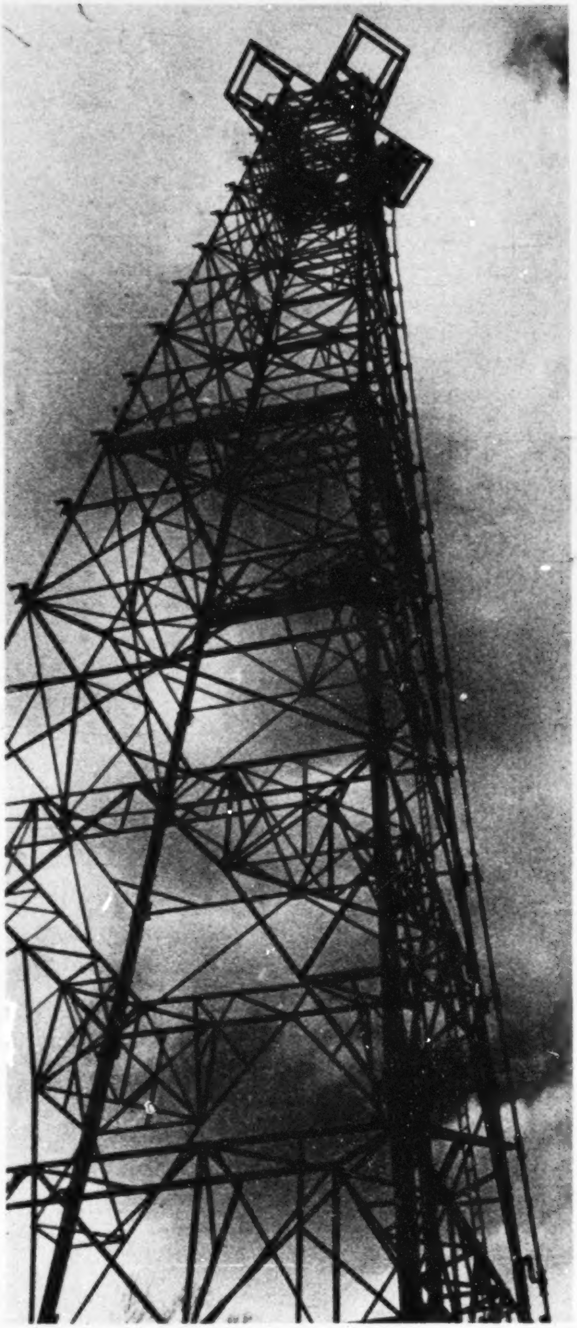
TERMINAL — Devices attached at the subscriber's end of the cable to convert signals into visible, audible, or otherwise useable information. Includes the television set, but might also include such things as a *computer terminal* or a facsimile printer.

TRANSLATOR STATION — system which picks up a single distant TV signal and retransmits it through the air to an area the original station could not reach.

TRUNK — Coaxial cables which carry the signal from the headend throughout the system area. Feeder cables branch off from the trunk, and drop cables from the feeder.

TUNER — Device which selects one signal from all those available.

TWO-WAY, TWO-WAY CAPACITY — A two-way cable system can send signals from the subscriber to the headend as well as vice versa. These "return" signals may be of video, audio, or digital information. Two-way capacity is the ability of a system to transmit such signals, even if this ability is not presently being used.



U

UPSTREAM — Signals which travel from the subscriber to the headend are said to travel *upstream*.

UHF (ULTRA-HIGH FREQUENCY) — TV channels 14-83 are in the ultra-high frequency band; stations using these channels are called *UHF stations*.

V

VHF (VERY-HIGH FREQUENCY) — Lower frequencies than UHF. Stations using TV channels 2-13 are called *VHF stations*.

VIDEO — Visual portion of a television signal.

VIDEOTAPE — Magnetic recording tape used to record and play back a television signal electronically. A *videotape recorder (VTR)* is the device used for such recording. With a *video camera* and a microphone, the VTR can be used to record live action. If this tape is later played back over a broadcast or cable system it is referred to as *videotaped* or *taped programming*.

VISUAL RETURN — Capacity of a two-way system to carry video information in both directions.

W

WIRED CITY, WIRED NATION — Concept that someday a whole city, or the whole country, will be interconnected by a broadband cable communications system.

BIBLIOGRAPHY

The titles marked with an asterisk (*) are our recommendations for a basic cable collection. Many of these publications are expensive; groups should try to get their public library to start a cable TV shelf in order to make them generally available.

Some of these books and articles are available from the Information Group, Cable Television Information Center, 2100 M Street, N.W., Washington, D.C. 20037. Materials available from them are indicated by (CTIC) at the end of the listing.

GENERAL CABLE INFORMATION AND COLLECTIONS OF ARTICLES

An ACLU Guide to Cable Television, Fred Powledge. 1972, $1.00. Available from Civil Liberties Union of Massachusetts, 3 Joy Street, Boston, Mass. 02108. Stresses civil liberties issues in relation to cable.

* **The Cable Fable,** *Yale Review of Law and Social Action,* Spring, 1972, $4.00. Yale Law School, 451 College Street, New Haven, Conn. 06520. Pretty good collection of articles; topics include economics, pay-cable, access, videotape production costs, ownership, community control, privacy.

Cable in Boston: A Basic Viability Report. Whitewood Stamps, Inc., 61 Chapel Street, Newton, Mass. 02158. 1974, $10.00 including postage. A detailed study of the economic factors affecting cable's future in Boston.

Cable in Mass. 2. Founders Annex Public Service Project, Inc., 61 Chapel Street, Newton, Mass. 02158. 1972, $4.30 including postage. Reports on the franchising situation in the state *as of 1972*. Has tables of density and street-mile data for all municipalities.

Cable is Coming. National Cable Television Association, 918 16th Street, N.W., Washington, D.C. 20006. 1973, free. Cable industry propaganda. NCTA also has a more comprehensive packet of background information available on request.

* **Cable Television: A Guide for Citizen Action,** Monroe E. Price and John Wicklein. Pilgrim Press, 1972, $2.95. In bookstores, or can be ordered from United Church of Christ, 289 Park Avenue South, New York, N.Y. 10010. Pretty good basic guide to cable and some of the community issues related to it.

* **Cable Television in the Cities: Community Control, Public Access and Minority Ownership,** Charles Tate, Editor. 1972, $3.95. In bookstores or from the Urban Institute, 2100 M Street, N.W., Washington, D.C. 20037. One of the better general sources on the opportunities and problems which cable presents for community organizations. CTIC.

* **Cable Television Information Service.** Cable Television Information Center, Urban Institute, 2100 M Street, N.W., Washington, D.C. 20037. A series of booklets containing up-to-date information on most aspects of cable, but with special emphasis on the process of franchising. For a one-time cost of $25.00, you get all the booklets put out so far in a loose-leaf binder, plus future booklets and a continuing update service.

Cable Television: Network Project Notebook #5. The Network Project, 104 Earl Hall, Columbia University, New York, N.Y. 10027. $2.00, or $10.00 for entire series of six notebooks. One in a series of reports by this independent media research group. Others deal with domestic communications satellites, network TV, control of information, the OTP, Sesame Street.

Community Cable TV and You, *Challenge for Change Newsletter #6*. Address listed under *Periodicals*, free. A cartoon introduction to cable and an appeal for community involvement.

On the Cable: The Television of Abundance, McGraw-Hill, 1971, $2.95. Report of the Sloan Commission on Cable Television, a big, foundation-sponsored study of the medium. Dated, and doesn't consider some of the issues most crucial today, but important because of the political prestige and influence of the Commission. CTIC.

Rand Corporation Cable Television Publications. Communications Department, Rand Corporation, 1700 Main Street, Santa Monica, Cal. 90406. Rand has produced several series of foundation-sponsored cable studies. The most useful are listed here and elsewhere in the bibliography. Write them for a complete list.

- **A Handbook for Decisionmaking.** $5.00. Good basic cable information.
- **A Summary Overview for Local Decisionmaking.** $1.00.
- **The Process of Franchising.** $3.00.
- **Citizen Participation in Planning.** $2.00.
- **Citizen Participation After the Franchise.** $2.00. How to use FCC regulations to block or modify (maybe) a franchise.

A Short Course in Cable. Office of Communication, United Church of Christ, 289 Park Avenue South, New York, N.Y. 10010. Available free. Fairly good basic pamphlet, recently revised. **CTIC.**

* **Source Catalog Vol. 1—Communications.** Source Collective, P.O. Box 21066, Washington, D.C. 20009. $1.50. In some bookstores or from Source. Good collection of information about groups, projects, films, books that deal with communications. Useful sections on video and community access to TV and other media. Good resource book for anyone concerned with finding ways to make the media serve the people.

Talking Back: Citizen Feedback and Cable Technology, Ithiel de Sola Pool, editor. MIT Press, Cambridge, Mass., 1973, $9.95 hardcover. Useful collection of articles, including several of the Sloan Commission staff studies. However, several articles on concepts and techniques for "citizen feedback" seem oversimplified and politically dangerous.

* **Visions of Cablevision: The Prospects for Cable Television in the Greater Cincinnati Area,** Robert L. Steiner. The Steven H. Wilder Foundation, 1017 Provident Tower, Cincinnati, Ohio 45202. 1973, $3.00. Although mainly about the Cincinnati area, this is a good general overview of the prospects and problems associated with cable TV. Includes interesting case histories of existing cable systems.

The Wired City: A Handbook on Cable Television for Local Officials, Theodore Ledbetter and Gilbert Mendelson. 1972, $2.95. National Urban Coalition, 2100 M Street, N.W., Washington, D.C. 20037. **CTIC.**

** **The Wired Nation: Cable TV—The Electronic Communications Highway,** Ralph Lee Smith. Harper and Row, 1972, Colophon paperback, $1.95. Probably the best single introduction to cable, its history, politics and economics.

GOVERNMENT CABLE REGULATION

* **Federal Communications Regulations.** Complete text of the FCC's *Report and Order on Cable Television* (February 3, 1972) and its *Action on Reconsideration* (June 16, 1972) are available in a single volume, "Cable Television Report and Order and Reconsideration" (GPO stock number 0400-00276) from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. $2.10. May also be available at the Government Bookstore in Boston's J.F.K. Federal Building, at $1.75.

FCC Information Bulletin 22-D: Cable Television. Federal Communications Commission, Public Information Office, Washington, D.C. 20554 1972, free. Brief history and explanation of FCC rules.

A Guide to Federal Regulations. Rand Corporation, $5.00. Address above.

* **Massachusetts CATV Legislation and Regulations.** The state legislation and procedures issued by the state CATV Commission are available from the Office of the Secretary, Room 116, State House, Boston, Mass. 02133. See Chapter 7 for titles of documents.

State, Federal and Local Regulation of Cable Television, Stephen R. Barnett. *Notre Dame Lawyer*, Vol. 47, April, 1972. Notre Dame Law School, Box 486, Notre Dame, Indiana 46556. Excellent article on issues involved in state regulation of cable, with references to other sources. However, it predates the Massachusetts legislation. **CTIC.**

State Regulation of Cable Television. Rand Corporation, 1971, $3.00. Address above.

MODEL FRANCHISES AND LOCAL REPORTS

* **The Boulder Cable Communications Experience: Negotiations Process and Permit Ordinance.** Bureau of Governmental Research and Service, University of Colorado, Boulder, Colo. $5.00

Cable Communications in the Dayton Miami Valley: Summary Report. Rand Corporation, 1972, $3.00. **CTIC.**

Cable Communications in the Dayton Miami Valley: Basic Report. Rand Corporation, 1972, $5.00. Address above. A major study of cable for a specific metropolitan area. **CTIC.**

* **Cable Television in Detroit: A Study in Urban Communications.** Report of the Detroit Cable TV Study Committee. City Clerk's Office, 1304 City-County Building, Detroit, Mich. 48226. 1972, $5.00. 15-page summary also available at $5.00 per 10 copies.

Community Action Handbook. Citizens Cable Council of Madison and Dane County, P.O. Box 5574, Madison, Wisc. 53705. $5.00. A collection of documents and news clippings on community cable organizing. Has information on the Madison franchise and on proposed Wisconsin state legislation. The Council also publishes a newsletter.

Crossed Wires: Cable Television in New Jersey. Center for Analysis of Public Issues, 92A Nassau Street, Princeton, N.J. 08540. 1971, $5.00. Evaluation of the experiences (mostly bad) of New Jersey municipalities in granting cable franchises. Includes a model franchise.

Proposed Newark Franchise, Martin Klepper. Office of Newark Studies, Rutgers University, Room M-101, 972 Broad Street, Newark, N.J. 07102.

Report of the Boston Consumers' Council to the Honorable Kevin H. White, Mayor, on the Development of a Cable Television System, November, 1973. Boston Consumers' Council, City Hall, Boston, Mass. 02201.

Urban Cable Systems: An Interim Report. The MITRE Corporation, 1971. Systems Development Division, 1820 Dolly Madison Blvd., McLean, Va. 22101. A study of the technical and economic feasibility of cable for urban areas, with a proposed system design for Washington, D.C.

The Wired City of Los Angeles. Jerome W. Millman, Director, Center for Urban Affairs, Bruce Hall 409, University Park, Los Angeles, Cal. 90007. The record of a seminar on cable held in January, 1972.

EDUCATIONAL USES OF CABLE

Annotated Bibliography on Educational Implications of Cable TV, Michael Molenda. Audio Visual Center, Indiana University, Bloomington, Indiana 47401. Free; send self-addressed envelope (9 X 12) with $.25 postage.

Aspen Notebook: Cable and Continuing Education. Communications and Society, Suite 232, 770 Welch Road, Palo Alto, Cal. 94304. $3.95.

Cable Television and Education, A Report From the Field. National Cable Television Association, 918 Sixteenth St., N.W., Washington, D.C. 20036. Single copy free.

Cable Television for Librarians. *Drexel Library Quarterly,* January-April, 1973 issue. Brigitte L. Kenney, Graduate School of Library Science, Drexel University, Philadelphia, Pa. 19104. $4.00. Record of a 3-day institute on cable.

Cable Television: Franchise Provisions for Schools. 1973. National Education Association, 1201 Sixteenth St., N.W., Washington, D.C. 20036.

A Cable TV Guide for Educators. Education Research and Development Council, 221 Student Health Service Building, University of Minnesota, St. Paul, Minn. 55101. A condensation of basic cable information for educators in the Twin Cities.

Cable TV—Protecting its Future in Education, Fred T. Wilhelms and Harold E. Wigren. Single copies free; send stamped, self-addressed envelope to Association for Supervision and Curriculum Development, National Education Association, 1201 Sixteenth St., N.W., Washington, D.C. 20036. Potential educational services available via cable.

Education and Cable TV, A Guide to Franchising and Utilization, Jon Shafer. ERIC, Box E, School of Education, Stanford University, Stanford, Cal. 94035. January, 1973, $2.50.

A Guide for Education Planners. Rand Corporation, $3.00. Address page 102.

* **The Here, Now and Tomorrow of Cable Television in Education...A Planning Guide.** Massachusetts Advisory Council on Education, 182 Tremont St., Boston, Mass. 02111. September, 1973, free. Highly recommended summary of the educational issues related to cable. Aimed primarily at Massachusetts educators, but relevant to community groups as well. Part IV, "Organizing for Cable," is a checklist for evaluating the political and economic situation of cable as well as the educational needs of a given community.

Schools and Cable Television. Division of Educational Technology, National Education Association, 1201 Sixteenth St., N.W., Washington, D.C. 20036. $2.25. Good, but a little dated (1971). Includes model franchise, case study, information on costs and educational uses of cable.

Uses in Education. Rand Corporation $3.00. Address, page 102.

PUBLIC ACCESS AND LOCAL ORIGINATION

Cable TV: Prospects for Local Origination Programming. Media Council, United Presbyterian Church in the U.S.A., 475 Riverside Drive, New York, N.Y. 10027. $2.50.

Community Access Video. H. Allan Fredericksen, Apt. #E, 695 30th Avenue, Santa Cruz, Cal. 95060. $3.00. Sixty tabloid-size pages on cable and video programming for cable mostly based on experiences in Santa Cruz.

Guidelines for Access. National Cable Television Association, Suite 800, 918 Sixteenth St., N.W., Washington, D.C. 20036. Free. Tells cable operators how to meet the FCC access requirements. It's always useful to know what the other side is thinking.

Local Origination Directory—1973. National Cable Television Association, address above. $4.00. Survey of local origination by NCTA member systems.

Making Public Access Effective. Rand Corporation, $3.00. Address page 102.

Opportunities and Problems in Local Program Origination. Rand Corporation, $2.00. Address page 102. Interesting case studies, but quite dated.

Originating programs on your Cable System. Communications Publishing Corp., 1900 West Yale, Englewood, Colo. 80110. $2.95. Collection of "how we did it" articles on origination programming by cable companies. Somewhat dated, 1969.

Origination Survey. Free from Cable Information Service, Room 860, 475 Riverside Drive, New York, N.Y. 10027.

Public Access Celebration. Public Access Report, P.O. Box 393, New York, N.Y. 10024. $3.00. The history and development of access in New York, with a detailed account of the first anniversary celebration.

Public Access Channels: The New York Experience. Center for the Analysis of Public Issues. Report on access in New York as of 1972, in terms of costs, programs produced, and so on. Somewhat superceded by *The Wired Island*, but still interesting. Both available from the same source; see address below.

A Story About People. Free from Berks Cable Company, P.O. Box 107, Reading, Pa. 19603. History of the 3-month joint project by New York University's Alternate Media Center and Berks Cable (a subsidiary of American Television and Communications Corp.) to develop community interest in public access. A public relations handout for the cable company, but still interesting.

* **The Wired Island.** Fund for the City of New York, Suite 2920, 1133 Avenue of the Americas, New York, N.Y. 10036. Very interesting study of the first two years experience with public access programming in New York City; includes evaluations of groups involved, programming produced, and degree of audience penetration, as well as proposals for the future.

VIDEOTAPE PRODUCTION AND EQUIPMENT

The Electric Journalist: An Introduction to Video, Chuck Anderson. Praeger, New York, 1973. $6.50 hardcover. Seems aimed primarily for high school students, and as such it's not a bad introduction. Its technical sections are not detailed enough to be really useful.

Guerilla Television, Michael Shamberg and the Raindance Corp. Holt Rinehart & Winston, 1971, $3.95. Should be available in bookstores. Exploration of the social implications of portable video and cable, along with some practical ideas. Much too rhetorical and mystical, but worth looking at.

Introducing the Single Camera VTR System, Grayson Mattingly and Welby Smith. Charles Scribner's & Son, New York, $8.95. A pretty good introduction to half-inch video equipment and methods, which concentrates on the types of equipment and situations that community groups are likely to run into.

* **Making the Media Revolution: A Handbook for Video-Tape Production,** Peter Weiner. Macmillan Co., New York. $8.95 hardcover. The best single book on video production so far. Its main lack is *specific* information on equipment items and maintenance; but in combination with the Videofreex book listed below it should meet most needs. Good sections on planning, direction and editing, and includes hints on how to do things that many people working in video thought were impossible, like fast motion. The appendix includes "The Television Signal," by Robert Pfannkuch, explaining in easy-to-understand terms how television works.

* **The Spaghetti City Video Manual,** Videofreex. Praeger Publishers, New York, 1973. $7.95 hardcover. Absolutely indispensible and long-awaited handbook on how video equipment works and how to keep it working. Detailed information on current equipment, how to put it together into working systems, how to make adjustments and repairs. Can save the video user who reads and uses it carefully a lot of money in maintenance and repair costs. Also has a section on how to get video programming onto cable systems.

Technical Bulletin #10. Editor, Technical Services Branch, National Film Board of Canada, P.O. Box 6100, Montreal 101, Quebec, Canada. Free. Modifications, developed at the NFBC's *Videographe* program, which improve and semi-automate the process of editing half-inch videotape.

Video Exchange Directory, Michael Goldberg, c/o Vancouver Art Gallery, 1145 West Georgia St., Vancouver, B.C., Canada. A listing of people and agencies using VTR.

Videotools 2. CTL Electronics, Inc., 86 West Broadway, New York, N.Y. 10007. $3.00. CTL is a good source for low-cost equipment, videotape, repairs and modifications, etc. *Videotools* is their catalog, but it is also full of useful technical and production information. It's worth the price, and with it you get a coupon worth 600 yen ($3.00) on any $25.00 purchase.

PRIVACY AND CIVIL RIGHTS

There are, at present, no books dealing specifically with privacy and civil rights in relation to cable. Check out "The Coaxial Wiretap: Privacy and the Cable," by Jerrold Oppenheim in *Cable Fable*, listed on page 101. "Cable Television and Public Safety," by Gilbert Cranberg in *Talking Back* (page 102) contains examples of uses of cable which will create threats to civil rights.

The first item below relates specifically to cable; the others are important sources on the general problem of privacy and civil liberties.

Goebbels in Space: Government Use of Telecommunications, Henry Smith, the Network Project. In *Cineaste* magazine, Vol. V, No. 4, 1973. Copies may be available from the publishers at $1.00 each. *Cineaste*, 244 West 27th Street, New York, N.Y. 10001.

Data Banks, Privacy, and Repression. Computer People for Peace, the Dolphin Center, 137A West 14th Street, New York, N.Y. 10011. $.50 per copy. Good brief study of the data bank situation and what it means, including interesting recommendations for dealing with the problem, such as people's "data disarmament teams."

The Assault on Privacy, Arthur R. Miller. University of Michigan Press, 1971. Signet paperback, $1.50.

The Death of Privacy, Jerry M. Rosenberg. Random House, New York, 1969.

Privacy and Freedom, Alan F. Westin. Atheneum, New York, 1967.

Records, Computers, and the Rights of Citizens. MIT Press, 1973. $2.45, paperback. Report of the Advisory Committee on Automated Personal Data Systems of the U.S. Department of Health, Education and Welfare.

OWNERSHIP AND CONTROL

The best discussions of ownership issues that we know of are sections of *The Cable Fable, Cable Television in the Cities, The Wired City of Los Angeles,* and the *Cable Television Information Service,* all listed above. *Visions of Cablevision,* also listed above, has an interesting discussion of the municipally-owned system in Frankfort, Kentucky. Also see:

Plan for Minority Participation in a Cypress Cable System in Dayton, Ohio. Free from Cypress Communications Corp., 10880 Wilshire Blvd., Los Angeles, Cal. 90024.

PERIODICALS AND DIRECTORIES

Only a few of these are really worthwhile for a community group or individual to subscribe to on a regular basis, but they are worth checking occasionally in the library. Also check nearby university libraries. Groups should encourage their local libraries to subscribe to some of the better publications.

* **Access.** Formerly the *Challenge for Change Newsletter.* Challenge for Change, National Film Board of Canada, P.O. Box 6100, Montreal 101, Quebec, Canada. The Challenge for Change program in Canada has been a pioneer in developing grassroots uses of video as a tool for social change. Their newsletter reports on their experiences and has a lot of useful ideas. It's free; ask them to put you on their mailing list and send you any available back issues, especially the issue on cable TV and the community (#6).

The Amplifier. New England Cable Television Association, Box 321, Tilton, New Hampshire 03276. Get the industry propaganda line every month.

BCN Originator. Mary Catherine Oltman, editor. Broadband Communications Network, Inc., P.O. Box 416, Malvern, Pennsylvania 19355. Eight-page monthly: $20.00 per year, $12.00 per year for students. Emphasis on local origination, especially for churches.

Black Communicator. Urban Communications Group, 1730 M Street, N.W., Suite 405, Washington, D.C. 20036. Monthly: $5.00 for individuals, $15.00 for organizations.

Blue Sky. P.O. Box 1773, Boulder, Colo. 80302. $5.00 per year. Newsletter on cable in the Boulder-Metropolitan Denver area.

Broadband Communications Report. Broadband Information Services, Inc., 274 Madison Ave., New York, N.Y. 10016. 21 issues: $60.00 per year.

Broadcasting. 1735 DeSales Street, N.W., Washington, D.C. 20036. Weekly: $14.00 per year. Has sections on cable. Publishes *Broadcast Yearbook* and *CATV Sourcebook.*

* **Cable Information.** Cable Information Service, Broadcasting and Film Commission, Room 860, 475 Riverside Drive, New York, N.Y. 10027. Monthly: $10.00 per year. Expensive but worth it. A good way to keep up with new developments and publications. Pays special attention to local origination, access, new franchise provisions; lists new books, studies, conferences, etc.

Cablelines. Cable Communications Resource Center, 1900 L Street, N.W., Suite 205, Washington, D.C. 20036. Aimed at minority groups.

* **Cable Report.** Jerrold Oppenheim, editor. 192 North Clark St., Chicago, Illinois 60601. Monthly: $7.00 per year. Excellent, up-to-date coverage of cable activity, with special attention to the increasing monopolization in the industry, privacy and civil rights concerns, government blundering, and related areas. Highly recommended for a broad perspective.

Cable Sourcebook. A yearly directory published by *Broadcasting* magazine (address above.) $10.00, or $8.50 if payment enclosed with order.

CATV Newsweekly. Communications Publishing Corp., Inc., 1900 West Yale, Englewood, Colo. 80110. Weekly: $33.00 per year. Subscribers also receive the following annual publications free: *CATV Directory of Equipment, Services and Manufacturers* and *CATV Systems Directory and Map Service*

Challenge for Change Newsletter. See *Access,* above.

Community Access TV, Johnny Videotape. Described as an "irreverent, irregular monthly with a 10-issue projection." Subscription $10.00 from H. Allan Fredericksen, Apt. #E, 695 30th Street, Santa Cruz, Cal. 95060.

* **Community Video Report.** Washington Community Video Center, 2414 18th Street, N.W., Washington, D.C. 20009. $12.00 per year for libraries and others who can afford it; $4.00 per year for individuals and organizations who can't. Best of the local newsletters we've seen so far, and contains much information useful anywhere. For example, Vol. 1,

No. 3 contains an excellent rundown on recent literature on cable as well as accounts of community video activities in D.C.

Radical Software, the Raindance Foundation. Available from Gordon and Breach Science Publishers, One Park Avenue, New York, N.Y. 10016. Volume I (#1 to #6) is available at $3.00 per issue; #1 to #4 are available in a binder at $10.95. Volume II, which will have nine issues, is $12.50 by subscription, or $1.95 for each issue. "The magazine of the alternate television movement." Content ranges from high-flying rhetoric about the wonders of the new television age—especially in recent issues—to good down-to-earth information about video equipment and techniques. Check it out before you buy.

Television Digest. 2025 Eye Street, N.W., Washington, D.C. 20006. Weekly: $137.00 for individual subscriptions, $123.00 group rate! Also publishes: *CATV Station Coverage Atlas and 35-Mile Zone Maps* (Annual: $19.50) and *Television Factbook* (Annual: $35.00—a good reference book, with a lot of information and statistics on cable. Many libraries will have either this or *Cable Sourcebook.*)

Urban Telecommunications Forum. 276 Riverside Drive, New York, N.Y. 10025. Monthly: $22.00 for organizations; individual subscriptions $12.00 if payment included with order.

Variety. 154 West 46th Street, New York, N.Y. 10036. Weekly: $25.00 per year, $.50 per issue at newsstands. *The* trade journal of the entertainment industry, and surprisingly entertaining to read. Many libraries have it. An excellent source for up-to-date information on what is going on in the cable industry, including inside gossip as well as hard facts.

Video Sharing Service. An occasional newsletter, available free from George Dunn, Section on Curriculum Resources, 201 Eighth Avenue, South, Nashville, Tennessee 37202.

LATE ADDITION

Alternative Media Center Publications Program, 144 Bleecker Street, New York, N.Y. 10012 (212-598-3338 *or* 260-3990). The AMC has been active in promoting public access in New York City and has helped run access workshops in other communities. It now offers a series of publications on a subscription basis. A subscription to the program for 1974 costs $35.00 and includes *The Access Workbook*, a guide based on AMC's experiences; *The Public Access Experience: Profiles of Six Centers;* supplements on *Library Access* and *Educational Access;* and, on request, *Telemedecine: Current Experience.*